PRECEDENTS

IN

BANKRUPTCY:

CONTAINING

FORMS OF PETITIONS

In all CASES which occur in the PROSECUTION

OF

COMMISSIONS OF BANKRUPTCY;

WITH

The PRACTICE of ſtriking DOCQUETS—ſuing out COMMISSIONS—preſenting PETITIONS—obtaining ORDERS, CERTIFICATES, &c.—with the FEES to be paid for the ſame—COMMISSIONERS' PROCEEDINGS, &c.

TO WHICH IS ADDED,

An ALPHABETICAL ABSTRACT of the whole STATUTE LAW relating to BANKRUPTS:

CALCULATED

As an uſeful OFFICE BOOK, for SOLICITORS, ATTORNIES, CLERKS, &c.

By THOMAS MOORE,

(Late of the BANKRUPT'S OFFICE.)

LONDON:

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PREFACE.

THE Books that have been already written on the Subject of Bankruptcy, having been very learnedly filled with Explanations of the Law relating thereto; and many intereſting and important Caſes, decided by the Courts, very fully ſtated; ſome Precedents have alſo been inſerted, and the Practice obſerved upon;—but a more enlarged and authenticated Collection of Precedents being wanted, and the whole of the Practice neceſſary to be explained—the Author of the following Sheets having had frequent Applications to compoſe ſuch a Work, during the Time he was Chief Clerk in the Bankrupt's Office, preſuming on the Experience of many Years in that Situation, and emboldened by the flattering Encouragement given him by a Number of the moſt

moſt eminent Profeſſors of the Law, who readily favored him with their Names, as Subſcribers to this Undertaking—he humbly offers this Book as a complete Compilation of Precedents, and as a full Explanation of every Part of Practice; the Whole of which, he flatters himſelf, will be conſidered as a Supplement to all that has been written on the Subject.

PRECEDENTS IN BANKRUPTCY.

FORMS OF PETITIONS.

Petition for a new choice of Assignees, one having become Bankrupt, and his Assignees to account.

In the matter of J. T. a Bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN,

The humble Petition of J. B. of I. in the county of S. Builder, one of the Assignees of the said Bankrupt.

SHEWETH,

THAT on or about the day of June, which was in the year of our Lord one thousand seven hundred a commission of bankrupt was awarded and issued against J. T. of H. in the county of E. builder, and at the second meeting of the commissioners under the said commission, upon the day of one thousand seven hundred , the major part in value of the creditors then present, did direct, that when any

money, amounting to the ſum of one hundred pounds, ſhould from time to time be received by, or ariſe out of the ſaid bankrupt's eſtate, the ſame ſhould be paid to T. G. of I. aforeſaid, merchant, and remain in his hands until the ſame ſhould be divided amongſt all the creditors of the ſaid bankrupt; and at the ſame meeting your petitioner, and the ſaid T. G. were duly choſen aſſignees of the eſtate and effects of the ſaid bankrupt; and thereupon the major part of the commiſſioners in the ſaid commiſſion named and authorized, executed an aſſignment of the perſonal eſtate of the ſaid bankrupt to your petitioner, and the ſaid T. G.

THAT ſoon afterwards the real eſtates of the ſaid bankrupt were ſold, and the ſame were conveyed to the purchaſer thereof, by the major part of the ſaid commiſſioners, and your petitioner, and the ſaid T. G. and the purchaſe-money for the ſame was thereupon paid to the ſaid T. G.

THAT ſundry debts were fully proved under the ſaid commiſſion, and divers other debts were claimed by other creditors of the ſaid bankrupt, and particularly T. S. of I. merchant, as one of the executors and reſiduary legatees of J. T. deceaſed, father of the ſaid bankrupt, on behalf of himſelf, and the other executors and reſiduary legatees of the ſaid J. T. claimed a debt of pounds ſhillings and pence, as due from the ſaid bankrupt to them.

THAT on or about the day of one thouſand ſeven hundred , a dividend of ſhillings and pence, in the pound, was ordered by the major part of the commiſſioners acting under the ſaid commiſſion, to be made amongſt ſuch of the ſaid creditors as had then proved their debts, and the claimants, when they had ſubſtantiated their claims by due proof of their debts; and under the ſaid order ſeveral of the creditors who had proved their debts, have been paid their dividends, and others have not yet received the ſame, and the ſaid claims ſtill remain undetermined.

THAT

THAT on or about the day of one thouſand ſeven hundred a commiſſion of bankrupt was awarded and iſſued forth againſt the ſaid T. G. and he was thereupon duly declared a bankrupt; and his eſtate and effects have ſince been duly aſſigned unto L. K. of I. aforeſaid, gentleman, and W. T. of I. aforeſaid, draper.

THAT at the time of the date and iſſuing of the ſaid commiſſion againſt the ſaid T. G. he had in his hands the ſum of thouſand hundred and pounds ſhillings and pence, belonging to the eſtate of the ſaid J. T. out of which the dividend of ſhillings and pence in the pound, ſo declared under the ſaid commiſſion againſt the ſaid J. T. ought to have been paid, ſome of the creditors who had ſo proved their debts have been paid their dividends, but many of them neglected to receive their ſaid dividends before the ſaid T. G. became bankrupt, and the ſaid claimants have not yet eſtabliſhed their debts.

YOUR Petitioner therefore moſt humbly prays your Lordſhip, That the ſaid T. G. may be diſcharged from being one of the aſſignees of the eſtate and effects of the ſaid J. T. and alſo from being banker under the ſaid commiſſion; and that the major part of the commiſſioners named in the ſaid commiſſion againſt the ſaid J. T. may cauſe due notice to be given in the London Gazette, appointing a time and place for the creditors of the ſaid J. T. who have proved their debts, to meet, in order to proceed to the choice of one or more perſon or perſons to be aſſignee or aſſignees of the eſtate and effects of the ſaid J. T. jointly with your

petitioner, in the room of the ſaid T. G. and that the creditors of the ſaid J. T. who ſhall be preſent at ſuch meeting, may proceed to ſuch choice accordingly; and that after ſuch choice ſhall be made, the ſaid commiſſioners, jointly with your petitioner, may make a new aſſignment of the eſtate and effects of the ſaid J. T. remaining unreceived or undiſpoſed of to your petitioner, and ſuch perſon or perſons as ſhall be ſo choſen in the room of the ſaid T. G. and that the ſaid T. G. and the aſſignees of his eſtate and effects under the ſaid commiſſion againſt him, may join in ſuch aſſignment, and that the aſſignees of the eſtate and effects of the ſaid T. G. may come to an account before the ſaid commiſſioners, for the eſtate and effects of the ſaid J. T. come to their hands, or to the hands of any other perſon or perſons, by their or any of their order, or for their or any of their uſe, as aſſignees under the ſaid commiſſion againſt the ſaid T. G. with the uſual directions for taking ſuch account, and for production of deeds, papers, and writings; and that your Petitioner, and ſuch new aſſignee or aſſignees, ſo to be choſen as aforeſaid, may be admitted a creditor or creditors under the ſaid commiſsion againſt the ſaid T. G. and that the ſaid T. G. and his aſſignees may forthwith deliver

deliver over to your petitioner, and ſuch new aſſignee or aſſignees of the ſaid J. T. all deeds, books, papers, and writings in their or any of their cuſtody or power, relating to the eſtate and effects of the ſaid J. T. and that ſuch of the creditors of the ſaid J. T. as had proved their debts before the ſaid dividend was declared, and who neglected to receive their dividends from the ſaid T. G. before he became bankrupt; and alſo the ſaid T. S. and others, the creditors of the ſaid J. T. who had ſo entered claims, but had neglected to complete the proof of their debts before the ſaid T. G. became bankrupt, may be paid in reſpect of the ſaid dividend of ſhillings and pence in the pound, rateably, and in proportion only to ſuch dividend or dividends as your petitioner, and ſuch new aſſignee or aſſignees ſhall receive from the eſtate of the ſaid T. G. Or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes, as to your Lordſhip ſhall ſeem meet.

And your Petitioner ſhall ever pray, &c.

Petition

Petition for choice of new Aſſignees, Aſſignees being dead, and repreſentative of laſt Aſſignees to account to new Aſſignees.

In the matter of C. B. a Bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of N. H.--- S. C. and J. H. merchants and copartners, and R. M. Creditors of the ſaid Bankrupt.

SHEWETH,

THAT a commiſſion of bankrupt, bearing date at Weſtminſter the day of 17 , was duly awarded and iſſued againſt C. B. on the petition of your petitioners, the ſaid N. H.--S. C. and J. H. which commiſſion was directed to certain Commiſſioners therein named, the major part of whom found and declared the ſaid C. B. bankrupt.

THAT T. T. and G. A. were duly choſen aſſignees of the eſtate and effects of the ſaid bankrupt; and an aſſignment and bargain and ſale of the perſonal and real eſtates and effects of the ſaid bankrupt were executed to the ſaid T. T. and G. A. by the major part of the Commiſſioners, in and by the ſaid commiſſion named and authoriſed; and the ſaid T. T. departed this life in the month of now laſt paſt; but as yet no will of the ſaid T. T. hath been proved, or adminiſtration from the proper Eccleſiaſtical Court taken out to his eſtates and effects.

THAT the ſaid G. A. who ſurvived the ſaid T. T. and thereby became the ſurviving aſſignee of the ſaid C. B. the bankrupt, departed this life on the day of now laſt paſt, having firſt duly made and publiſhed his laſt will and teſtament in writing,

writing, and thereof appointed his wife E. A. his brother H. A. and J. I. of C. gentleman, joint executors thereof.

THAT the ſaid E. A. H. A. and J. I. duly proved the ſaid will of the ſaid G. A. the ſurviving aſſignee of the ſaid C. B. the bankrupt, in the proper eccleſiaſtical court, and took upon themſelves the burthen and execution thereof,

YOUR petitioners therefore moſt humbly pray, your Lordſhip will be pleaſed to order the major part of the commiſſioners in and by the ſaid commiſſion of bankruptcy, named and authoriſed, to cauſe due notice to be given, of the time and place, for the creditors of the ſaid bankrupt who have already, or ſhall hereafter in due time, come in and duly prove their reſpective debts under the ſaid commiſſion, to meet in order to their proceeding to the choice of one or more aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, in the room of the ſaid G. A. deceaſed, the late ſurviving aſſignee thereof; and that the ſaid E. A. H. A. and J. I. may be ordered, after ſuch choice ſhall be had, to join with the major part of the ſaid commiſſioners, in making and executing a new aſſignment and conveyance of the perſonal and real eſtate and effects of the ſaid bankrupt, remaining unreceived, and not diſpoſed of to ſuch perſon or perſons, who at ſuch meeting ſhall be choſen to be ſuch new aſſignee or aſſignees; and that the

ſaid

ſaid E. A. H. A. and J. I. the executors of the ſaid G. A. may account to ſuch new aſſignee or aſſignees, as ſhall be duly choſen, of the eſtate and effects of the ſaid bankrupt, upon their oath, for ſuch part thereof as came to the hands of the ſaid G. A. deceaſed, in his life-time, or of them the ſaid E. A. H. A. and J. I. ſince his deceaſe; and that the ſaid E. A. H. A. and J. I. as executors as aforeſaid, may be ordered to pay the ballance of ſuch account, if the ſame happen to be in favour of the ſaid bankrupt's eſtate and effects (they being firſt made all juſt allowances out of the ſame) to ſuch new choſen aſſignee or aſſignees; and that they the ſaid E. A. H. A. and J. I. as executors as aforeſaid, may be alſo ordered to deliver up, upon oath, to ſuch new aſſignee or aſſignees, all books, papers, and writings, touching or anyways concerning the eſtate or effects of the ſaid bankrupt.

And your Petitioner ſhall ever pray, &c.

Petition

Petition to remove an Assignee, being insolvent.

In the matter of W. C. a Bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of T. K. of C. in the county of M. chemist, and E. P. of H. C. A.-street, London, Esq. two of the Assignees of the estate and effects of W. C. late of T.-street, London, druggist, a bankrupt, and G. W. of B. London, merchant, on behalf of himself, and all other creditors of the said W. C. who have proved their debts under the said commission;

SHEWETH,

THAT a commission of bankrupt, bearing date the day of one thousand seven hundred and was awarded and issued against the said W. C. and he was thereupon duly found and declared a bankrupt, by the major part of the commissioners acting under the said commission.

THAT your petitioners T. K. and E. P. together with W. B. of T.-street, London, druggists, were chosen assignees of the said bankrupt's estate and effects; and an assignment thereof was, on the day of 17 duly made and executed to them, by the major part of the commissioners named in the said commission.

THAT on the day of 17 a bargain and sale of the said bankrupt's real estate was duly made and executed by the major part of the commissioners, named in the said commission, to your petitioners T. K. and E. P. and the said W. B. the assignees of the estate and effects of the said bankrupt.

THAT the greatest part of the said bankrupt's estate and effects has been collected and got in; and on the day of 17 a dividend of 7s. 6d. in pound was made; and on the day of 17 a further dividend of 2s. 6d. in the pound was made to, and amongst the creditors of the said bankrupt.

THAT your petitioner G. W. has proved £. under the ſaid commiſſion.

THAT an advertiſement was inſerted in the London Gazette, of the day of laſt, purporting, that the commiſſioners in the ſaid commiſſion intended to meet on the day of then next, at ſix o'clock in the afternoon, at Guildhall, London, to make a final dividend of the eſtate and effects of the ſaid bankrupt.

THAT the major part of the commiſſioners, in and by the ſaid commiſſion named and authoriſed, met purſuant to the ſaid advertiſement, in order to make a final dividend of the eſtate and effects of the ſaid bankrupt; and your petitioner T. K. and E. P. attended the ſaid meeting, to paſs their reſpective accounts; but the ſaid W. B. did not attend ſuch meeting, to paſs his account, or ſend any excuſe for his non-attendance, although your petitioners apprehend and believe that the ſaid W. B. has a conſiderable ſum of money in his hands, belonging to the eſtate of the ſaid bankrupt, whereby a final dividend could not then be made of the eſtate and effects of the ſaid bankrupt.

THAT the ſaid W. B. is become inſolvent, and has had a meeting of his creditors, for the purpoſe of compounding with them for their reſpective debts; and at ſuch meeting the ſaid W. B. or ſome perſon or perſons on his behalf, made an offer to his, the ſaid W. B.'s creditors, of 6s. 8d. in the pound, for their reſpective debts, whereby your petitioners conceive, that the ſaid W. B. is no longer a proper perſon to be an aſſignee of the eſtate and effects of the ſaid bankrupt.

YOUR petitioners therefore moſt humbly pray, that your Lordſhip will be pleaſed to order, that the ſaid W. B. be diſcharged from being one of the aſſignees of the ſaid bankrupt's eſtate and effects; and that another aſſignee may be choſen in his room or ſtead; and that the

the ſaid W. B. may join with your petitioners T. K. and E. P. in an aſſignment of the ſaid bankrupt's eſtate and effects, and alſo in a bargain and ſale of the ſaid bankrupt's eſtate; and the ſaid W. B. may account before the commiſſioners, or the major part of them, in and by the ſaid commiſſion named and authoriſed, for the eſtate and effects of the ſaid bankrupt, come to the hands of him the ſaid W. B. or to the hands of any other perſon or perſons for his uſe, and may pay or deliver the ſame to your petitioners T. K. and E. P. and ſuch new aſſignee; that the coſts of this application may be paid by the ſaid W. B.

And your petitioners ſhall ever pray, &c.

Petition of a ſole Aſſignee to be removed, and for new choice, he undertaking to account and pay over to the Aſſignee or Aſſignees to be choſen.

In the matter of M. S. M. a bankrupt,

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of C. M. of A. in the City of London, merchant;

SHEWETH,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date the day of 17 was awarded and iſſued againſt the ſaid M. S. M. by the name and deſcription of M. S. M. of ſtreet, London, grocer, dealer and chapman, empowering the commiſſioners, or any three of them, to execute the ſame.

THAT the ſaid M. S. M. was, by the major part of the ſaid commiſſioners, duly found and declared a bankrupt.

THAT on the day of 17 at a meeting of the ſaid commiſſioners, at Guildhall, London, in purſuance of notice given in the London Gazette, for the choice of an aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, your petitioner was, by the major part in value of the creditors of the ſaid M. S. M. at ſuch meeting choſen and appointed the ſole aſſignee of the eſtate and effects of the ſaid M. S. M. and an aſſignment of ſuch eſtate and effects was, by the ſaid major part of the ſaid commiſſioners, made thereupon to your petitioner accordingly.

THAT your petitioner hath recovered and obtained a part of the eſtate and effects of the ſaid M. S. M. and there are other parts of the eſtate and effects of the ſaid bankrupt, yet to be recovered and got in.

THAT your petitioner hath for ſome time paſt been in a very bad ſtate of health, and his health has been by illneſs ſo much impaired, as to render him unable to carry on his trade and buſineſs, or to give that attention to the affairs of the ſaid bankruptcy which they require, there being ſeveral debts remaining due to the eſtate of the ſaid bankrupt, for the recovery of which it will be neceſſary to inſtitute one or more ſuit or ſuits, as your petitioner apprehends and verily believes.

THEREFORE your petitioner humbly prays, that your Lordſhip will pleaſe to order the commiſſioners, in and by the ſaid commiſſion named and authoriſed, to advertiſe in the London Gazette for a meeting of the creditors of the ſaid M. S. M. to be holden at Guildhall, London, and then and there to proceed to the choice of another aſſignee or aſſignees of the eſtate and effects of the ſaid M. S. M. in

in the room and ſtead of your petitioner, and to take your petitioner's accounts, your petitioner hereby offering to pay ſuch ſum of money as, on the taking of the ſaid account, ſhall, after all juſt allowances, be found to be juſtly due and owing from your petitioner, to the eſtate of the ſaid bankrupt, and to deliver over all ſuch books, papers, writings, bonds, notes, and other ſecurities, and all other the eſtate and effects of the ſaid bankrupt, in the hands, cuſtody, or power of your petitioner, and join in an aſſignment thereof to ſuch new aſſignee or aſſignees, as ſhall be choſen in the room and ſtead of your petitioner; and that the coſts of this application may be paid out of the eſtate of the ſaid bankrupt.

And your petitioner ſhall ever pray, &c.

Petition to remove Aſſignees, for not acting and making a dividend.

In the matter of T. B. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of J. G. P. G. T. S. W. B. W. G. and S. P. creditors of T. B. late of Briſtol, a bankrupt, on behalf of themſelves, and the reſt of the ſaid bankrupt's creditors.

SHEWETH,

THAT in one thouſand ſeven hundred a commiſſion of bankrupt was awarded and iſſued againſt the ſaid T. B. and he was found and declared bankrupt thereunder; and J. F. of in the county of yeoman (which place adjoins to the city of

of Briſtol,) and W. F. of Briſtol aforeſaid, diſtiller, were choſen aſſignees of the ſaid bankrupt's eſtate thereunder, and the ſame was aſſigned to them; and in about eight months afterwards, they, or one of them, poſſeſſed themſelves or himſelf of a conſiderable ſum of money, by ſale of the ſaid bankrupt's effects, and receipt of ſome part of his debts.

THAT the ſaid bankrupt, by his laſt examination, having charged the committee of a late conteſted election at Briſtol, with being indebted to him at his failure in upwards of a meeting of the creditors of ſaid bankrupt was had on the of one thouſand ſeven hundred purſuant to an advertiſement in the London Gazette, and the ſeveral Briſtol papers; and at ſuch meeting a memorandum was ſigned by all the creditors preſent, authoriſing the ſaid aſſignees to bring an action or actions, for recovery of the ſaid election debt; but the ſame was wholly omitted to be done by them: and on the of one thouſand ſeven hundred another meeting was had by ſuch creditors, in purſuance of the like advertiſements, whereat a memorandum was alſo ſigned by all the creditors preſent, authoriſing the ſaid aſſignees to treat for the ſettling or compounding ſuch election-debt, and to receive a compoſition therefore; and in caſe the ſame ſhould not be then forthwith ſettled and paid, to bring actions or an action for recovery thereof without delay; and both the ſaid aſſignees either attended at each of the ſaid meetings, or were immediately then afterwards made acquainted with ſuch reſolutions of the creditors, and memorandums for their ſafety in the premiſes as aforeſaid.

THAT the ſum of was afterwards offered to be paid to the ſaid aſſignees, as a compoſition for ſuch election-debt; and the ſaid aſſignees having for ſo long a time neglected or omitted to bring ſuch action or actions as aforeſaid, for recovery of the whole of the ſaid election-debt, the creditors of the ſaid bankrupt agreed to the ſaid being received in full, and directed

rected the ſaid aſſignees to receive the ſame accordingly; yet nothing further hath been done therein by the ſaid aſſignees; but why or for what reaſon, your petitioners cannot learn.

THAT upon application to the ſaid aſſignees, to appoint a meeting and divide the monies in their hands, the ſaid Mr. F. who hath about eighty pounds in his hands, ſubmitted to do therein as the ſaid Mr. F. ſhould think proper to do on his part; and the ſaid Mr. F. declines making any dividend under the ſaid commiſſion, until the ſaid ſhall be received; yet the ſaid aſſignees do not take any ſteps whatſoever for receipt thereof; and your petitioners now apprehend and believe, that the ſaid is not intended to be paid, and that the ſaid election-debt will be wholly loſt, unleſs ſteps are forthwith taken for recovery thereof.

THAT the creditors of the ſaid bankrupt, who have proved their debts under the ſaid commiſſion, cauſed an advertiſement to be inſerted in the Gazette of the paſt, "That they intended to meet on the "inſtant, and requeſted the attendance of the other "creditors of the ſaid bankrupt, in order to agree on "ſome plan for bringing the affairs of the ſaid bank-"rupt to a concluſion;" and your petitioners well hoped the ſaid aſſignees would have attended ſuch meeting, and concurred in proper meaſures for the above purpoſes; but neither of the ſaid aſſignees attended at ſuch meeting: and your petitioners cannot get the ſaid aſſignees to make a dividend of the monies in their hands, or to take any ſteps whatſoever for recovery of the ſaid election-debt, and other debts due to the ſaid bankrupt's eſtate, notwithſtanding the ſaid creditors of the ſaid bankrupt have authoriſed them ſo to do as aforeſaid; and have always been ready to aſſiſt the ſaid aſſignees in any meaſure whatſoever, proper to be done in the ſaid bankrupt's affairs, for the benefit of his creditors; and the ſaid W. F. is only a creditor of about twenty pounds, and hath not proved his debt under the ſaid commiſſion.

YOUR

Your petitioners therefore moſt humbly pray your Lordſhip, that the ſaid W. F. and J. F. may be removed from being aſſignees under the ſaid commiſſion of bankrupt againſt the ſaid T. B. and that the commiſſioners acting under the ſaid commiſſion may forthwith appoint, advertiſe, and hold another meeting under the ſaid commiſſion, for the choice of a aſſignee, or new aſſignees thereunder; and that the ſaid W. F. and J. F. may aſſign to ſuch new aſſignee, or new aſſignees, the eſtate and effects of the ſaid bankrupt now veſting in them, and the ſaid commiſſioners join in ſuch new aſſignment; and that the ſaid W. F. and J. F. may alſo thereupon deliver to ſuch new aſſignee or new aſſignees, all books, papers, and writings, in their or either of their hands, of or belonging to the ſaid bankrupt's eſtate; and alſo forthwith, after ſuch choice, account with and pay and deliver over to ſuch new aſſignee or aſſignees, all monies or other effects in their hands, of or belonging to the ſaid bankrupt's eſtate, and the ſaid aſſignees having for ſuch a length of time been in poſſeſſion of money of and belonging to the ſaid bankrupt's eſtate, and refuſing or declining to divide ſame, or to act in the truſt as aſſented to, and directed as aforeſaid; that they the ſaid aſſignees may pay to your petitioners,

petitioners, or their ſolicitor herein, the coſts of this application, or pay intereſt for the monies received or poſſeſſed by them, ſince the ſame hath or have been ſo poſſeſſed or received; and that your petitioners may have ſuch further and other relief as the nature of their caſe may require, and to your Lordſhip may ſeem meet.

Petition for a new choice of Aſſignee, ſole Aſſignee being dead.

In the matter of J. M. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of R. S. one of the creditors of the ſaid Bankrupt;

SHEWETH,

THAT a commiſſion of bankrupt, bearing date at Weſtminſter the day of 17, was duly awarded and iſſued againſt J. M. late of in the county of ſhopkeeper, on the petition of the ſaid R. S. which commiſſion was directed to certain commiſſioners therein named, the major part of whom found and declared the ſaid J. M. bankrupt.

THAT J. P. of in the ſaid county of maltſter (ſince deceaſed) was duly choſen ſole aſſignee of the ſaid bankrupt; and an aſſignment of the perſonal eſtate and effects of the ſaid bankrupt was executed to the ſaid J. P. by the major part of the commiſſioners, in and by the ſaid commiſsion named and authoriſed; and the ſaid J. P. departed this life on or about the day of now laſt paſt; having duly made and publiſhed his laſt will and teſtament in writing, and thereof appointed his ſon J. P. and his daughters C. H. (the wife of L. H.) M. P. and L. P. joint executor and executrixes of the ſaid will.

THAT the ſaid C. H. M. P. and L. P. duly proved the ſaid will in the proper eccleſiaſtical court, and took upon themſelves the burthen and execution thereof.

THAT the ſaid J. P. the ſon, the other executor named in the ſaid will, did not join with the ſaid executrixes in proving the ſaid will, nor hath he yet proved the ſame; but a power is reſerved for him to prove the ſame, when he ſhall apply for that purpoſe.

YOUR petitioner therefore moſt humbly prays, your Lordſhip will be pleaſed to order the major part of the commiſſioners in and by the ſaid commiſſion of bankruptcy, named and authoriſed, to cauſe due notice to be given, of the time and place, for the creditors of the ſaid bankrupt who have already, or ſhall hereafter in due time, come in and duly prove their reſpective debts under the ſaid commiſſion, to meet in order to their proceeding to the choice of one or more aſſignee or aſſignees of the ſaid bankrupt's eſtate and effects, in the place of the ſaid J. P. deceaſed, the late ſole aſſignee thereof; and that the ſaid C. H. M. P. and L. P. may be ordered, after ſuch choice ſhall be had, to join with the major part of the ſaid commiſſioners, in making and executing a new aſſignment of the perſonal eſtate and effects of the ſaid bankrupt, remaining unreceived, and not diſpoſed of to ſuch perſon or perſons, who at ſuch meeting ſhall be choſen to be ſuch new aſſignee or aſſignees; and that the

ſaid

ſaid C. H. M. P. and L. P. may account to ſuch new aſſignee or aſſignees, as ſhall be duly choſen, of the eſtate and effects of the ſaid bankrupt, upon their oath, for ſuch part thereof as came to the hands of the ſaid J. P. deceaſed, in his life-time, or of them the ſaid C. H. M. P. and L. P. or either of them, ſince his deceaſe; and that the ſaid C. H. M. P. and L. P. and each of them, may be ordered to pay the ballance of ſuch account, if the ſame happen to be in favour of the ſaid bankrupt's eſtate and effects (they being firſt made all juſt allowances out of the ſame) to ſuch new choſen aſſignee or aſſignees; and that the ſaid C. H. M. P. and L. P. and each of them, may be alſo ordered to deliver up, upon their oaths, to ſuch new aſſignee or aſſignees, all books, papers, and writings, touching or anyways concerning the eſtate or effects of the ſaid bankrupt.

To compel an Aſſignee to account and pay a dividend.

In the matter of E. D. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of S. S. and F. K. Eſqrs; Executors of J. N. Eſq; deceaſed; W. N. T. B. and W. P. Creditors of the ſaid bankrupt;

Sheweth,

THAT about the 17 a commiſsion of bankrupt, under the great ſeal of Great Britain, was

awarded and iſſued againſt E. D. late of L. London, cheeſemonger, dealer and chapman, and he was thereupon found and declared to be a bankrupt, within one or more of the ſtatutes made concerning bankrupts, by the major part of the commiſsioners acting under the ſaid commiſsion.

THAT at a meeting of the creditors of the ſaid bankrupt, on or about the Sept. 17 purſuant to notice in the Gazette, the ſaid J. N. and E. W. of L.-ſtreet, cheeſemonger, who had formerly been in partnerſhip with the ſaid E. D. the bankrupt, were choſen aſsignees of the ſaid bankrupt's eſtate and effects, and an aſsignment of the ſaid bankrupt's real and perſonal eſtate was executed to them.

THAT the ſaid J. N. one of the aſsignees of the ſaid bankrupt, died ſometime in or about the month of 17 having before his death duly made and publiſhed his laſt will and teſtament, and thereof appointed your petitioners S. S. and F. K. his executors, who have duly proved the ſame in the prerogative court of the archbiſhop of Canterbury.

THAT the ſaid E. W. having become the ſurviving aſsignee of the ſaid bankrupt, by the death of the ſaid J. N. and having thereby got a conſiderable ſum of money into his hands to make a further dividend amongſt your petitioners and the other creditors of the ſaid bankrupt who have proved their debts under the ſaid commiſsion, has neglected ſo to do.

THAT the ſaid E. W. ſtood indebted to the joint ſtock of himſelf and the bankrupt, previous to his the ſaid E. D's bankruptcy, by a promiſſory note of hand, in the words and figures following—"London, "June 17 I promiſe to pay the joint ſtock of E. D. "and ſelf when accounts are ſettled. E. W."

THAT the ſaid E. W. refuſes to account for or pay the ſaid ſum of ſecured by his ſaid promiſſory note, or to make any dividend thereof amongſt the bankrupt's creditors; but on the contrary inſiſts upon a much larger ſum being ſet off againſt another promiſſory note, entered into by the ſaid bankrupt, previous to his bankruptcy,

bankruptcy; and which is in the words and figures following:—"London, June 17 I promiſe to pay to the "joint ſtock of ſelf and E. W. pounds. E. D."

THAT your petitioners are adviſed and moſt humbly ſubmit that the ſaid ſum of by the ſaid promiſſory note from the ſaid E. W. was a debt due to the bankrupt's eſtate, and conſtituted a part thereof, and ought to be paid or accounted for, and divided amongſt the bankrupt's creditors, inaſmuch as the bankrupt thereby gained a credit amongſt his ſeveral creditors, and the ſaid E. W. ought not to be permitted to ſet off his promiſſory note, but prove the ſame as a debt under the commiſsion, and receive a dividend equal with the bankrupt's other creditors. Foraſmuch as the ſaid E. W. the aſsignee of the bankrupt's eſtate and effects has had a conſiderable ſum of money in his hands, to the amount of belonging to the creditors of the ſaid bankrupt for two years or thereabouts, without charging himſelf with any intereſt for the ſame.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that the ſaid E. W. the aſsignee, may be directed to account for the ſum of ſecured by his ſaid note of hand, and may be directed to account for intereſt on balances that have from time to time remained in his hands, and may make a dividend amongſt the creditors of the ſaid bankrupt who have proved their debts, and that your petitioners may be paid their coſts of this application.

And your petitioners ſhall ever pray, &c.

Form

Form of a Petition to compel the Aſſignees of a bankrupt to bring in accounts before the Maſter.

In the matter of A. M. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of T. D. T. W. E. H. J. S. H. and R. A. of the City of Briſtol, bankers and copartners; T. T. I. E. B. G. and J. E. of the ſame city, bankers and copartners; J. G. H. of the ſame city, merchant; W. P. L. of the ſame city, merchant; C. F. S. of the ſame city, merchant; S. E. and W. E. of the ſame city, linen-drapers and copartners; M. H. of the ſame city, merchant; W. F. the younger, of the ſame city, diſtiller; and E. W. of the ſame city, linen-draper; on behalf of themſelves, and all other the like creditors of J. S. and J. B. late of Cheapſide, London, goldſmiths, partners, and bankrupts, and of A. M. of Tokenhouſe-yard, in the city of London, merchant, alſo a bankrupt;

SHEWETH,

THAT your petitioners, on the day of laſt, preferred their petition unto your Lordſhip, in the matter of the ſaid A. M. ſtating as therein particularly mentioned, and praying, that they might be at liberty to bring an action or actions againſt the ſaid J. S. and J. B. and the ſaid A. M. upon one or more of the bills in queſtion, and therein particularly mentioned, and that the aſsignees of the ſaid A. M. might be bound and concluded by the event of ſuch action or actions; and in the mean time, that the certificate of the ſaid A. M. might be ſtayed; and that in caſe the petitioners ſhould ſucceed in proving a partnerſhip between the ſaid J. S. J. B. and the ſaid A. M. that the commiſſioners under the commiſsion awarded and iſſued againſt the ſaid A. M. might be directed to keep ſeparate and diſtinct accounts of the ſaid J. S. A. M. and J. B's joint and

and ſeparate effects; and that the petitioners might prove their reſpective debts under the ſeparate commiſsion awarded and iſſued againſt the ſaid A. M. and aſſent to or diſſent from the ſigning his certificate; and in caſe the joint effects of the ſaid J. S. A. M. and J. B. ſhould fall ſhort in paying the petitioners their reſpective debts, that then the petitioners might be at liberty to take a dividend with the reſt of the ſeparate creditors of the ſaid A. M. for ſuch reſpective ſums as the joint effects ſhall fall ſhort in paying; and in the mean time, the aſſignees of the ſaid A. M. might be reſtrained from making a dividend of the ſeparate effects; or that your Lordſhip would be pleaſed to make ſuch other order therein, as to your Lordſhip ſhould ſeem meet.

THAT the ſaid petition came on to be heard before your Lordſhip on the day of laſt, in the preſence of counſel for the petitioners, for the aſſignees of the eſtate and effects of J. S. and J. B. bankrupts, and for the aſſignees of the eſtate and effects of A. M. a bankrupt; when your Lordſhip, upon hearing the ſaid petition read, and what was alledged by all parties, was pleaſed to order (among other things) that it ſhould be referred to Mr. one of the Maſters of the Court of Chancery, to enquire whether the ſaid A. M. or I. M. his ſon, or either or which of them, was at any time, and when in partnerſhip with the ſaid J. S. and J. B. in any and what tranſaction; and for better making the ſaid inquiry, the ſaid bankrupts, the aſſignees of their reſpective eſtates and effects, and all proper parties, were to be examined before the ſaid maſter, upon interrogatories or otherwiſe, as the ſaid maſter ſhould think fit, and produce before the ſaid maſter, upon oath, all books, papers, and writings, in their reſpective cuſtody or power, under both the ſaid commiſsions, as the ſaid maſter ſhould direct.

THAT your petitioners have taken out the uſual number of warrants for the ſaid aſſignees of the eſtate and effects of the ſaid J. S. and J. B. bringing in before the ſaid maſter all books, papers, and writings, in their

their reſpective cuſtody or power, under the ſaid commiſsion, againſt the ſaid J. S. and J. B. in obedience to your Lordſhip's ſaid order; but that the ſaid aſsignees have not complied therewith, as by the certificate of the ſaid maſter, bearing date the day of appears.

YOUR petitioners therefore humbly pray your Lordſhip, that your Lordſhip will be pleaſed to order, that N. M. J. W. and F. B. the aſsignees of the eſtate and effects of ſaid J. S. and J. B. may, within ſeven days, peremptorily produce before the ſaid maſter, upon oath, all books, papers, and writings in their reſpective cuſtody or power under the ſaid commiſsion againſt the ſaid J. S. and J. B. Or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes, as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition to prove a debt, and for Aſsignees to make a dividend, and pay intereſt on the money kept in their hands.

In the matter of G. I. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of F. M. and M. C. on behalf of themſelves and all others the creditors of the ſaid bankrupt;

SHEWETH,

THAT R. K. being, in May 17 indebted to your petitioners in the ſum of upon the balance of account for money advanced by your petitioners for the uſe of the ſaid R. K. he the ſaid R. K. together with the ſaid bankrupt G. I. as his ſurety, by their joint and

and ſeveral bond or obligation, bearing date the day of 17 became jointly and ſeverally bound to your petitioners in the penal ſum of conditioned for the payment of the ſum of with intereſt for the ſame, at the rate of 5 per cent. per annum, on or before the day of then next.

THAT on or about the day of 17 a commiſſion was awarded and iſſued againſt the ſaid R. K. upon which he was found and declared a bankrupt, and his eſtate and effects were aſſigned to W. I. and R. W. the aſſignees choſen under that commiſſion; and the ſaid R. K. afterwards obtained his certificate of conformity under the ſame.

THAT the ſaid R. K. was then the ſurgeon of the Eaſt Indiaman, and in 17 was about to ſail to the Eaſt Indies on board the ſaid ſhip, and your petitioners have lately diſcovered, that before the ſaid R. K. left England, the ſaid G. J. applied to the ſaid R. K. and obtained from him a certain bill of exchange, dated the day of 17 drawn by the ſaid G. I. upon and accepted by the ſaid R. K. payable at at days after ſight, for the ſum of gold ſtar pagodas, at 8s. ſterling the pagoda, amounting to ſterling, which bill the ſaid G. I. afterwards indorſed, and by ſuch indorſement directed the contents thereof to be paid to Meſſrs. M. C. P. and F. of Madraſs aforeſaid, and ſuch bill was tranſmitted by the ſaid G. I. ſo indorſed, to Meſſrs. M. C. P. and F. who received and preſented ſuch bill to the ſaid R. K. at Madraſs, for payment, and he, on the of 17 duly paid the amount thereof to the ſaid M. C. P. and F. who wrote a receipt thereon, and delivered up the ſame to the ſaid R. K.

THAT although the pagodas mentioned in the ſaid bill of exchange, were therein drawn for at the rate of, or exchange of ſterling for each pagoda, yet that ſuch pagodas were then at the exchange of, or equal in value to ſterling the pagoda; and ſuch bill was paid by the ſaid R. K. at the rate of the pagoda, and amounted in the whole to ſterling.

THAT on or about the day of 17 a commiſſion of bankrupt was awarded and iſſued againſt the ſaid G. I. upon the petition of J. F. whereupon he was found and declared a bankrupt, and his eſtate and effects were aſſigned to the ſaid J. F. and A. P. the aſſignees choſen under that commiſſion.

THAT by an anſwer lately put in by the ſaid G. I. together with J. F. and A. P. his aſſignees, to a bill filed againſt them by the ſaid R. K. in the court of exchequer, they admit that your petitioners' ſaid bond is yet outſtanding and unſatisfied; that your petitioners have a right to come in and prove the ſame, under the commiſſion of bankrupt iſſued againſt the ſaid G. I. that the ſaid bill of exchange was ſo given by the ſaid R. K. to the ſaid G. I. for the purpoſe of enabling him to ſatisfy and pay to your petitioners the aforeſaid bond, in which the ſaid G. I. had joined, as ſurety for the ſaid R. K. but which nevertheleſs he had not done.

THAT the ſaid G. I. not only fraudulently concealed the receipt and payment of the ſaid bill, for the purpoſes aforeſaid, from your petitioners, but after the ſaid G. I. had obtained ſuch bill of exchange from, and the ſaid R. K. had ſailed for the Eaſt Indies, upon your petitioners' application to the ſaid G. I. for payment of the ſaid bond, previous to his bankruptcy, he requeſted your petitioners not to compel or inſiſt upon the ſaid G. I's paying the ſame, alledging to your petitioners as an inducement therefore, that the ſaid R. K. was gone to the Eaſt Indies, and had taken with him a conſiderable inveſtment; and upon his return home would be able to, and would pay off and diſcharge the whole monies due to your petitioners upon the ſaid bond.

THAT your petitioners were entirely ignorant of of the ſaid G. I's having received ſuch bill of exchange from the ſaid R. K. for ſuch purpoſe as aforeſaid, prior to the ſaid R. K's return from the Eaſt Indies, in or about November laſt, when the ſaid R. K. cauſed an application to be made your petitioners, to know if the ſaid G. I. had paid to your petitioners the monies due upon

upon the ſaid bond, he having received of the ſaid R. K. the monies for that purpoſe.

THAT the ſaid R. K. is ſince dead, and your petitioners have no other remedy to obtain payment of their ſaid debt, otherwiſe than by proving the ſame under each of the commiſſions of bankrupt againſt the ſaid G. I. and R. K. which they have not yet done.

THAT your petitioners have been informed, and verily believe, that the ſaid J. F. and A. P. the ſaid G. I's aſſignees, either have, or long ſince might have received money ſufficient from and out of the houſehold goods, debts, ſtock in trade, and other effects of the ſaid bankrupt G. I. ſufficient for a dividend among the creditors ſeeking relief under that commiſſion.

THAT the ſaid G. I. ever ſince his ſaid bankruptcy, hath continued in the poſſeſſion of the dwelling-houſe he then lived in, and of the houſehold goods and furniture thereof, and the ſaid G. I. hath obtained his certificate under his ſaid commiſſion.

THAT the ſaid J. F. and A. P. might and ought before now to have proceeded to a dividend of the ſaid G. I's eſtate and effects, come to their hands or poſſeſſion; and if ſuch dividend had been advertiſed to be made, your petitioners might and would have proved their ſaid bond debt, at the meeting of the commiſſioners to declare ſuch dividend, without being at any extra expence for that purpoſe.

THAT your petitioners not having, for the reaſons aforeſaid, proved their debt under the ſaid commiſſion againſt the ſaid G. I. and conceiving that the ſaid J. F. and A. P. ought long ſince to have made ſuch dividend as aforeſaid, your petitioners' ſolicitor, on their behalf, on or about the day of laſt, cauſed the ſaid J. F. and A. P. to be ſerved with a notice in writing, to the purport and effect following, that is to ſay, in the matter of G. I. a bankrupt—"Mr. J. F. and Mr. A. P. the ſaid bankrupt's aſſignees, I do hereby give you notice, that unleſs you do, within days from the date hereof, cauſe a dividend of the ſaid bankrupt's eſtate and

effects to be duly advertiſed, to be declared by the commiſsioners under the ſaid commiſsion, I ſhall, on behalf of Meſſrs. F. M. and M. C. alone, or jointly with others, prefer a petition to the Lord Chancellor, in order that the ſaid F. M. and M. C. may prove their debt under the ſaid commiſsion, and for ſuch dividend to be declared, dated the day 17 J. W."

no dividend of the eſtate and effects of the ſaid G. I. under the ſaid commiſsion, hath yet been declared or advertiſed, and your petitioners have not been paid or ſatisfied any part of their ſaid debt.

YOUR petitioners therefore moſt humbly pray your Lordſhip, that your petitioners may be at liberty to go before the major part of the commiſsioners named in the ſaid commiſsion of bankrupt againſt the ſaid G. I. and prove their ſaid debt under the commiſsion; and that the ſaid J. F. and A. P. may be directed to advertiſe and proceed to a dividend of the ſaid G. I's eſtate and effects, with liberty for your petitioners to make ſuch proof of their ſaid debt, at declaring ſuch dividend; and that your petitioners may be paid a dividend, in reſpect of their ſaid debt, rateably with the reſt of the ſaid bankrupt's creditors ſeeking relief under that commiſsion: and in caſe it ſhall appear that a ſufficient ſum of money hath come to the hands of the ſaid J. F. and A. P. or either of them, whereby a dividend might have been made among the creditors of the ſaid G. I. then that intereſt may be computed

ed thereon, from the time that such dividend ought to have been made and paid by the said J. F. and A. P. for the benefit of the creditors at large of the said G. I. seeking relief under his commission; and that the proceedings had and taken under that commission may be produced before your Lordship, on the hearing of this petition: or that your Lordship will be pleased to make such further or other order in the premises, as to your Lordship shall seem meet.

And your Petitioner shall ever pray, &c.

Petition to prove a debt under more than one commission, after receiving a dividend of 15s. in the pound.

In the matter of I. D. a Bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of H. P. of D. miller; J. F. of the same place, grazier; J. P. of the same place, salesman; R. F. of the same place, merchant; T. B. and R. L. of the same place, salesmen and co-partners; T. G. of the same place, draper; T. S. of the same place, draper; J. L. of the same place, sailmaker; S. N. of E. in the county of K. smith; J. P. of P.-street, London, drysalter; R. F. of the city of C. victualler, and Mary his wife, and G. B. of D. in the said county of K. cordwainer.

Sheweth,

THAT W. P. and J. A. late of R. near D. in the county of K. paper-makers and copartners, were accustomed to draw bills of exchange on J. D. of in

in the parish of S. in the county of S. stationer, and which bills the said J. D. accepted.

THAT on the day of 178 a commission of bankrupt was awarded and issued against the said J. D. and on the day of 17 a commission of bankrupt was also awarded and issued against the said W. P. and J. A. and the several parties were accordingly and respectively declared bankrupts.

THAT previous to either of the said commissions issuing, all the said bankrupts were indebted unto your petitioner H. P. in the sum of on account of one bill of exchange, bearing date the day of 17 and which was indorsed to your said petitioner in consideration of money lent and advanced by your said petitioner unto the said P. and A.

THAT the said bankrupts were also indebted unto your petitioner J. F. in the sum of on two other of the like bills of exchange, bearing date respectively the of 17 , and the of 17 , for each, and which were indorsed to your said petitioner, in consideration of lent and advanced by your petitioner unto the said P. and A.

THAT the said bankrupts were also indebted unto your petitioner J. P. in the sum of on another of the like bills of exchange, bearing date the of 17 for the sum of and which was indorsed to your said petitioner, in consideration of lent and advanced by your petitioner unto the said P. and A.

THAT the said bankrupts were also indebted unto your petitioner R. F. in the sum of on another of the like bills of exchange, bearing date the of 17 and which was indorsed to your petitioner in consideration of goods sold and delivered, and money lent and advanced by your petitioner unto the said P. and A.

THAT the said bankrupts were also indebted unto your petitioner T. B. and R. L. in the sum of on three other of the like bills of exchange, bearing date respectively the of 17 the first for the second and third for each, and which were also indorsed

dorſed to your petitioner, in conſideration of for monies lent and advanced by your petitioner unto the ſaid P. and A.

THAT the ſaid bankrupts were alſo indebted unto your petitioner T. G. in the ſum of on another of the like bills of exchange, bearing date the day of 17 payable to or order, and who indorſed the ſame to your petitioner in conſideration of goods ſold and delivered by your petitioner to the ſaid

THAT the ſaid bankrupts were alſo indebted unto your petitioner T. S. in the ſum of on two other of the like bills of exchange, bearing date reſpectively the of 17 for each, and which were indorſed to your petitioner in conſideration of goods ſold and delivered, and monies lent and advanced by your petitioner unto the ſaid P. and A.

THAT the ſaid bankrupts were alſo indebted unto your petitioner J. L. in the ſum of on four other of the like bills of exchange, bearing date reſpectively the of 17 the firſt for the ſecond and third for each, and the fourth for and which were indorſed to your petitioner in conſideration of money lent and advanced by your petitioner unto the ſaid P. and A.

THAT the ſaid bankrupts were alſo indebted unto your petitioner S. N. in the ſum of on another of the like bills of exchange, bearing date the of 17 which was indorſed to your petitioner in conſideration of work and labour done and performed by your petitioner for the ſaid P. and A.

THAT the ſaid bankrupts were alſo indebted unto your petitioner J. P. in the ſum of on two other of the like bills of exchange, bearing date reſpectively the of 17 the one for and the other for and which were indorſed to your petitioner in conſideration of monies lent and advanced, and goods ſold and delivered by your petitioner to the ſaid bankrupts P. and A.

THAT the ſaid bankrupts were alſo indebted to your petitioner R. F. and Mary his wife (late M. R. widow)

widow) in the ſum of on four other of the like bills of exchange, two of which bear date the day of 17 for each, and the others bearing date the day of 17 for each, and were indorſed to your petitioner M. F. before her intermarriage with the ſaid R. F. by the ſaid P. and A. in conſideration of monies before that time lent and advanced to them by your petitioner.

THAT the ſaid bankrupts were alſo indebted to your petitioner G. B. in the ſum of on another of the like bills of exchange, bearing date the of 17 for that ſum, and was indorſed to your petitioner in conſideration of monies lent and advanced to the ſaid P. and A.

THAT all the above-mentioned ſeveral bills of exchange were accepted by the ſaid J. D. the bankrupt.

THAT your petitioners have ſeverally proved their reſpective debts, under the commiſſion againſt the ſaid P. and A. and at which time the ſaid bills were exhibited to the commiſſioners, and indorſed by them according to the uſual practice.

THAT your petitioner J. P. who is reſident in town, and T. B. who happened to be in London, attended at the third meeting under the ſaid J. D's. commiſſion, being the day of 17 and at which time they had not received any thing under P. and A.'s commiſſion, and then offered to prove their reſpective debts; but the ſolicitor refuſed them for the reaſon then alledged by him, which was, that your petitioners did not produce the accounts current between them and the ſaid Meſſ. P. and A. and for no other cauſe whatſoever; And your ſaid petitioners placing too much confidence in the repreſentation of the ſaid ſolicitor at that time, were perſuaded by him they could not, without the production of ſuch account, prove their ſaid debts under that commiſſion, and therefore have ſince and before any other meeting was had under D's commiſſion, received fifteen ſhillings in the pound from the eſtate of P. and A. and therefore at this time cannot make the uſual affidavits of the

the whole amount of their original debts; but your petitioners are adviſed, and humbly hope, that ſuch ſtratagem of the ſolicitor under D.'s commiſſion, will, in equity, have no effect on your petitioners' claim.

THAT previous to any dividend being declared under the ſaid commiſſion, againſt the ſaid P. and A. all your petitioners (except the ſaid J. P.) made affidavits or affirmations of their reſpective debts, with an intent to exhibit the ſame at the next meeting to be had under the commiſſion againſt the ſaid J. D. and at which time your petitioners as ſtated and ſworn to by them in their reſpective affidavits, had received no ſecurity or ſatisfaction whatſoever, ſave and except the ſaid bills.

THAT on the day of laſt, a meeting was held at Guildhall, London, under D.'s commiſſion, for the purpoſe of declaring a dividend, at which time, being the firſt meeting of creditors under that commiſſion after your petitioners had proved their debts under P. and A.'s commiſſion, your petitioners' ſolicitor attended, and tendered the ſaid ſeveral affidavits, when the ſolicitor under that commiſſion objected to your petitioners being admitted creditors, upon the ſuggeſtion that your petitioners had ſince the making of their affidavits, received a dividend of 15s. in the pound from the eſtate of P. and A.

YOUR petitioners therefore moſt humbly pray your Lordſhip, that they may ſeverally be admitted creditors under the ſaid J. D.'s commiſſion, for the amount of their reſpective bills in their reſpective hands, on the affidavits and affirmations made by your petitioners, and receive a proportionable dividend with the other creditors of the ſaid J. D. your petitioners hereby undertaking, that in caſe the dividends ariſing under the ſaid J. D.'s

commiſſion, and P. and A.'s commiſſion, amount to a greater ſum than twenty ſhillings in the pound, to refund the overplus for the benefit of the other creditors; and that your petitioners may be paid the coſts of this application; and that in the mean time the aſſignees of the ſaid J. D. may be reſtrained from making any dividend of his eſtate and effects; and that your Lordſhip will make ſuch further order in the premiſes as to your Lordſhip may ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition to prove a debt, and receive a dividend, after claim made, and a dividend of 5s. in the pound.

In the matter of J. P. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of W. D. of the pariſh of in the county of dyer.

Sheweth,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date the day of 17 was awarded and iſſued againſt the ſaid J. P. by the name and deſcription of J. P. of the pariſh of in the county of merchant, dealer and chapman, carrying on the buſineſs of a merchant, dealer and chapman, under the ſtile and firm of J. P. and company; and he was thereupon found and declared a bankrupt, and J. A. of in the county of merchant, and J. S. of ſtreet, in the city of London, merchant, were choſen aſſignees of his eſtate and effects, and

and an aſſignment thereof was duly made to them accordingly.

THAT the ſaid J. P. was, at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted to your petitioner in the ſum of pounds ſhillings and pence, upon balance of account for money lent and advanced to the ſaid bankrupt, and for work and labour done and performed, and materials found and provided, in dying ſundry goods for the ſaid bankrupt, for which ſaid ſum of pounds ſhillings and pence, or any part thereof, your petitioner hath not received any ſecurity or ſatisfaction whatſoever, ſave and except a promiſſory note for the ſum of pounds ſhillings, bearing date the day of 17 drawn by the ſaid bankrupt, under the firm of J. P. and company, payable to your petitioner or order, two months after the date thereof.

THAT a meeting of the major part of the commiſſioners, named and authoriſed in and by the ſaid commiſſion, was held at Guildhall, London, on the day of 17 for the purpoſe of making a dividend of the eſtate and effects of the ſaid bankrupts, when your petitioner being unable, on account of illneſs, to attend the ſaid meeting to prove his debt, your petitioner cauſed a claim to be entered amongſt the proceedings under the ſaid commiſſion, and not any meeting of the ſaid commiſsioners, for proof of debts, hath been ſince had under the ſaid commiſsion.

THAT the ſaid aſsignees at the ſaid meeting, admitting they had ſufficient money in their hands to pay five ſhillings in the pound, on the debts proved and claimed under the ſaid commiſsion, the major part of the ſaid commiſsioners then ordered a dividend of five ſhillings in the pound to be made to the ſeveral creditors who had proved their debts under the ſaid commiſsion, and to the claimants, when they had made out their reſpective claims.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that he may be at liberty to prove his ſaid debt of pounds ſhillings and pence, under the commiſsion againſt the ſaid J. P. and be let into and receive the ſaid dividend of five ſhillings in the pound, with the reſt of the creditors of the ſaid bankrupt who have already proved their debts, and receive the ſame under the ſaid commiſsion; and that your petitioner may have and receive ſuch further or other dividends in reſpect of his ſaid debt, as the other creditors ſhall or may have or receive out of the ſaid bankrupt's eſtate; and that the proceedings under the ſaid commiſsion may be produced before your Lordſhip, at the hearing of this petition: or that your Lordſhip will make ſuch other order in the premiſes, as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition

Petition to prove a debt, upon a bond given by the bankrupt to petitioner, in lieu of a former bond to another, refuſed by the commiſſioners.

In the matter of J. V. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of C. S. of the pariſh of in the county of brewer; and W. H. of the pariſh of in the ſaid county, ſmith;

Sheweth,

THAT J. V. now or late of the pariſh of in the county of innholder, in or about the year of our Lord 17 having occaſion for the ſum of applied to M. M. late of the pariſh of in the county of widow, deceaſed, to advance and lend him the ſame, which ſhe accordingly did, and for ſecuring the repayment thereof, the ſaid J. V. by his certain bond or writing obligatory, bearing date the day of in the ſaid year of our Lord 17 acknowledged himſelf to be held and firmly bound to the ſaid M. M. in the penal ſum of conditioned for the payment by him the ſaid J. V. to her the ſaid M. M. of the ſaid ſum of pounds, with intereſt for the ſame after the rate of 5 per cent. per annum, at a day therein mentioned, and long ſince paſt.

THAT in and by a certain indenture, bearing date the day of 17 and made between her the ſaid M. M. of the one part, and your petitioners of the other part, reciting, that the ſaid M. M. then had lawful iſſue of her body three ſons, (to wit,) J. S. C. S. and W. A. for whom ſhe was willing and deſirous of making ſome proviſion after her deceaſe; and further reciting, that the ſeveral perſons named in the ſchedule thereunto annexed, or thereunder written, then were and ſtood juſtly and truly indebted unto the ſaid M. M. in the ſeveral ſums of money ſet againſt their reſpective names, amounting in the whole to the ſum of

which

which ſhe the ſaid M. M. had agreed to aſſign unto your petitioners, and alſo to raiſe and pay them the ſum of making together the ſum of at the time, in the manner, and upon the truſts therein after mentioned: it is by the ſaid indenture witneſſed, that for and in conſideration of the natural love and affection which ſhe the ſaid M. M. had for and towards her ſaid children, and alſo for and in conſideration of the ſum of ten ſhillings, to her paid by your petitioners, the receipt whereof is thereby acknowledged, ſhe the ſaid M. M. did bargain, ſell, aſſign, transfer, and ſet over to your petitioners, all and ſingular the debts and monies in the ſaid ſchedule particularly mentioned, and did covenant within twelve calendar months then next enſuing, to pay, or cauſe to be paid to your petitioners, the ſaid ſum of making, together with the amount of the debts therein before mentioned, the ſaid ſum of which ſaid ſum of was thereby declared, by and between the ſaid parties thereto, to be ſo veſted in your petitioners; upon truſt to call in the ſaid ſeveral ſums of money, in the ſaid ſchedule mentioned, and inveſt the ſame, together with the ſaid ſum of on ſuch government, or other ſecurity or ſecurities, as your petitioners ſhould from time to time think fit, and pay, apply, and diſpoſe of the intereſt, dividends, and produce of the ſaid ſum of unto the ſaid M. M. and her aſſigns, for her life, to and for her own ſole and ſeparate uſe, and after her death, upon truſt, to pay and aſſign the ſum of part of the ſaid ſum of to the ſaid J. S. on his attaining 21, to and for his own uſe and benefit; and upon further truſt, to pay and aſſign the further ſum of further part of the ſaid ſum of unto the ſaid C. S. on his attaining 21, to and for his own uſe and benefit; and upon further truſt, to pay and aſſign the further ſum of reſidue of the ſaid ſum of to the ſaid W. A. on his attaining 21, to and for his own uſe and benefit, as by the ſaid indenture, now in your petitioners' cuſtody, relation being thereunto had, may and will more fully and at large appear.

THAT,

THAT the ſaid ſum of ſo due and owing from the ſaid J. V. to the ſaid M. M. was one of the debts aſſigned by the ſaid indenture, and comprized in the ſaid ſchedule thereto annexed or underwritten; and the ſaid bond or writing obligatory, for ſecuring the repayment thereof, was by her the ſaid M. M. delivered to your petitioners; and the ſaid M. M. who afterwards intermarried with one W. P. in or about the month of 17 departed this life inteſtate, leaving the ſaid W. P. her ſurviving, who procured letters of adminiſtration to be granted to him, of the eſtate and effects of the ſaid M. M. out of the prerogative court of the Archbiſhop of Canterbury, and thereby became her perſonal repreſentative.

THAT your petitioners at various times cauſed application to be made to the ſaid J. V. for payment of the ſaid ſum of and the intereſt due thereon; and the ſaid J. V. at length profeſſing his then inability to diſcharge the ſaid principal ſum of and your petitioners thinking it for the advantage of the ſaid truſt eſtate, and for the more ſpeedy recovery thereafter of the ſaid ſum of that the ſaid J. V. ſhould execute a new bond to your petitioners for the ſame, agreed to give the ſaid J. V. further time to raiſe and pay the ſaid ſum of upon his giving your petitioners a new bond for the ſame in their own names, and paying up the intereſt due on the ſaid former bond, and which he the ſaid J. V. promiſed to do.

THAT accordingly the ſaid J. V. in and by his certain writing obligatory, bearing date the day of 17 acknowledged himſelf to be held and firmly bound to your petitioners, in the penal ſum of conditioned for payment to your petitioners of the ſaid ſum of with intereſt for the ſame after the rate of 5 per cent. per annum, on the day of then next enſuing; and the ſaid J. V. further promiſed to diſcharge the arrear of intereſt due on the ſaid former bond, upon receipt whereof your petitioners were ready and willing to deliver up the ſame to be cancelled.

THAT

THAT the ſaid J. V. never paid your petitioners the ſaid arrear of intereſt, ſo as aforeſaid due and owing to your petitioners on the ſaid firſt mentioned bond, and alſo neglected to pay the principal and intereſt due on the ſaid laſt mentioned bond; and your petitioners, from ſome intimations they had received, being apprehenſive that the ſaid J. V. was in bad circumſtances, your petitioners, in or about the latter end of the ſaid year caused the ſaid J. V. to be held to bail for the ſum of and upwards, due to your petitioners, for principal and intereſt on the ſaid laſt mentioned bond.

THAT the ſaid J. V. in conſequence of ſuch arreſt, applied to your petitioners, and requeſted them to accept a part of the ſaid debt, on account of which your petitioners accordingly agreed to do, and did not proceed further in the ſaid action.

THAT in or about the month of 17 a commiſſion of bankrupt, under the great ſeal of Great Britain, was awarded and iſſued forth againſt the ſaid J. V. directed to commiſſioners therein named, on which he was ſoon afterwards found and declared to be a bankrupt.

THAT there is now juſtly due and owing to your petitioners, from the ſaid J. V. from principal and intereſt remaining due on the ſaid laſt mentioned bond, the ſum of and a meeting for a dividend of the ſaid bankrupt's eſtate and effects being advertiſed in the London Gazette, to be held on Thurſday the day of laſt paſt, your petitioner C. S. made an affidavit of ſuch debt, and cauſed the ſame to be forwarded, together with the ſaid bond, to Mr. F. the ſolicitor under the ſaid commiſſion, to be proved at the ſaid meeting.

THAT ſhortly after, your petitioner C. S. received a letter from the ſaid Mr. F. of which the following is a copy, viz.—" V. a bankrupt. Sir, By the commiſſioners direction I ſend you the above memorandum, and by their order return you the incloſed:" and which ſaid memorandum is as follows, viz.—" Memo-

" randum

" randum, C. S. of the parish of in the county of " brewer, attempted to prove before us, by affi- " davit, a debt of pounds shillings and " pence, due from the said bankrupt to the said C. S. " and W. H. of the parish of in the county of " smith, for principal and interest said to be remaining " due on the said bankrupt's bond to the said C. S. and " W. H. bearing date the day of 17 but it " appearing to us, that the said bond was given in lieu " of a certain other bond, entered into by the said bank- " rupt, to one Mrs. M. deceased, and it not appear- " ing to us how the said C. S. and W. H. have become " entitled to the same; and it also appearing to us, by " the account of the said bankrupt, that the said Mrs. " M. was, upon the ballance of accounts, including " the said money due on the said bond, indebted to " the said bankrupt the sum of pounds and shil- " lings, the said proof of the said C. S. is rejected."

THAT your petitioners are not aware that the said M. M. was indebted to the said J. V. in any manner whatsoever; but in case she was, your petitioners conceive, that the said J. V. is not entitled to set such demand, if any he has, against the said bond debt, so due and owing to your petitioners, as aforesaid, but ought to apply to the said W. P. the personal representative of the said M. M. for the same; and the said W. A. being still an infant, of the age of years, or thereabouts, your petitioners do not think themselves at liberty to allow such demand, if any, to be set off against the said bond debt,

YOUR petitioners therefore most humbly pray your Lordship, that the commissioners named and authorised in and by the said commission of bankrupt, so as aforesaid issued against the said J. V. may be directed to admit your petitioners to prove the said debt of so due and owing to them

as aforeſaid; and that in the mean time they may be ſtayed from making a dividend of the ſaid bankrupt's eſtate and effects; and that the coſt of this application may be paid your petitioners, out of the ſaid bankrupt's eſtate and effects; or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes, as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition for an Executor to prove a debt, after a dividend being made.

In the matter of J. B. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of T. S. of in the county of grocer, ſurviving Executor named and appointed in and by the laſt will and teſtament of R. S. late of aforeſaid, gentleman, deceaſed, a creditor of the ſaid bankrupt;

Sheweth,

THAT the ſaid bankrupt, on or about the day of in the year of our Lord 17 borrowed of the ſaid R. S. deceaſed, the ſum of and which the ſaid R. S. did then advance and lend to him, and for ſecuring the repayment thereof, the ſaid bankrupt, in and by his certain bond or writing obligatory, bearing date on or about the ſame day of 17 became held and firmly bound unto the ſaid R. S. deceaſed, in the penal ſum of conditioned for payment by the ſaid bankrupt, his heirs, executors, or adminiſtrators, unto the ſaid R. S. deceaſed, his executors, adminiſtrators, or aſſigns, of the ſum of and intereſt after the rate

rate of per cent. per annum, on the day of next enſuing, the date thereof.

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date at Weſtminſter the day of 17 directed to certain commiſſioners therein named, hath been duly awarded and iſſued forth againſt the ſaid J. B. and he has been thereupon declared and found bankrupt, and R. T. of in the pariſh of in the county of cutler, J. A. of in the pariſh of aforeſaid, and S. S. of aforeſaid, carpetmaker, have been ſince duly choſen and appointed aſſignees of the ſaid bankrupt's eſtate and effects; which ſaid R. T. J. A. and S. S. have accepted the ſaid aſſigneeſhip, and acted therein.

THAT the meetings held in the ſaid commiſſion were duly advertiſed in the London Gazette, as your petitioner believes; and the ſaid aſſignees have proceeded to get in and receive the perſonal eſtate and effects of the ſaid bankrupt, and divers proceedings have been had, and ſeveral debts proved under the ſaid commiſſion, by divers perſons, creditors of the ſaid bankrupt; and the ſaid aſſignees have made one or more dividends of the ſaid bankrupt's eſtate and effects, to and amongſt the creditors of the ſaid bankrupt who have proved debts as aforeſaid, to the amount or value in the whole of 12s. 6d. in the pound, on the ſeveral debts ſo proved as aforeſaid.

THAT the ſaid R. S. died on or about the day of 17 having firſt duly made and publiſhed his laſt will and teſtament in writing, bearing date on or about the day of 17 and appointed your petitioner and G. S. executors thereof; and ſuch will hath been ſince proved by your petitioner in the prerogative court of and the ſaid G. S. hath ſince departed this life, whereby your petitioner is become the only ſurviving executor of the ſaid laſt will and teſtament of the ſaid R. S. and entitled to have and receive a dividend equal with the other creditors of the ſaid bankrupt, for and in reſpect of the debt ſo as aforeſaid due

and owing from the ſaid bankrupt, upon his bond, to the ſaid R. S. deceaſed, as aforeſaid.

THAT there was juſtly due and owing from the ſaid bankrupt, upon his ſaid bond, before the date and iſſuing forth of the ſaid commiſſion, the ſaid principal ſum of and for one year's intereſt thereof, the ſaid bankrupt having duly and regularly paid the intereſt of the ſaid principal ſum of except as aforeſaid, as and when, or ſoon after the ſame from time to time became due; and the ſaid principal ſum of and the intereſt thereof as aforeſaid, ſtill remains due and owing to your petitioner.

THAT your petitioner never ſaw or read, obſerved or was informed, of the ſeveral advertiſements which have from time to time been inſerted in the London Gazette, for holding the ſeveral meetings held under the ſaid commiſſion, or any of them, and hath not proved the debt ſo as aforeſaid due and owing to him, as ſurviving executor as aforeſaid, from the ſaid bankrupt, upon his bond as aforeſaid under the ſaid commiſſion; and the ſaid R. T. J. A. and S. S. now refuſe to permit and ſuffer your petitioner to prove his ſaid debt, notwithſtanding they have a ſufficient ſum of money in their hands, part and parcel of the ſaid bankrupt's eſtate and effects, to anſwer and pay the dividend which will be coming due to your petitioner, for and in reſpect of his ſaid debt, at and after the ſame rate and in like manner as the other creditors of the ſaid bankrupt have been paid and ſatisfied, as your petitioner has been informed and believes.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that he may be at liberty to prove his debt, or ſum of and intereſt ſo as aforeſaid due and owing to him, as executor as aforeſaid, from the ſaid bankrupt, under the ſaid commiſſion of bankrupt awarded

awarded and iſſued forth againſt the ſaid J. B. and that the ſaid R. T. J. A. and S. S. may be ordered and directed to pay unto your petitioner, ſuch and the like dividend or dividends, for and in reſpect of his ſaid debt, as hath been paid, or that ſhall or may hereafter become due, owing, or payable to the other creditors of the ſaid bankrupt, who have proved debts, and ſought relief under the ſaid commiſſion as aforeſaid; and that the ſaid commiſſion of bankrupt, and all the proceedings under the ſame, may be produced at the hearing of this petition: or that your Lordſhip will make ſuch other order in the premiſes, as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition to prove a debt, on Policies of Inſurance.

In the matter of J. A. and T. A. Bankrupts.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of T. B. and D. B. of ſtreet, London, merchants and copartners, attorneys and agents for J. M. of Calcutta, in Bengal.

Sheweth,

THAT your petitioners did, on or about the day of 17 preſent their petition unto your Lordſhip, on behalf of the ſaid J. M. praying, that the claim entered by your petitioners, on behalf of the ſaid

ſaid J. M. might be admitted as a proof of debt under the ſaid commiſſion; and that a rateable dividend might be retained thereon, until your petitioners ſhould ſubſtantiate their debt under the ſame, to the ſatisfaction of this honourable court, or prove the ſame in manner as by law required; and that the ſaid bankrupts, or their aſſignees, might be directed to deliver up unto your petitioners certain policies upon the ſhip and certain other papers and writings in the ſaid petition deſcribed and ſet forth, and for other purpoſes in the ſaid petition mentioned and expreſſed.

THAT the ſaid petition came on to be heard before your Lordſhip on the day of 17 whereupon your Lordſhip was pleaſed to order, "that it ſhould be referred to the major part of the commiſſioners named in the commiſſion of bankrupt iſſued againſt the J. A. and T. A. to take an account of all dealings and tranſactions between the ſaid bankrupts and J. M. in the ſaid petition mentioned, and what was actually due from the ſaid bankrupts to the ſaid J. M. at the time of the iſſuing the commiſſion of bankrupt againſt them; in the taking of which account the ſaid commiſſioners were to make all juſt allowances, and for the better taking and clearing the ſaid account, the parties were to be ſeverally examined before the ſaid commiſſioners, upon interrogatories or otherwiſe, as the ſaid commiſſioners ſhould think fit, and were to produce before the ſaid commiſſioners, upon oath, all books of account, papers, and writings, in their reſpective cuſtody or power, relating thereto, as the ſaid commiſſioners ſhould direct; that the petitioners ſhould be at liberty, in the mean time, to inſpect all the books of the ſaid bankrupts, in the hands of the ſaid aſſignees, and to take copies or extracts therefrom, and all further directions in the matter of the ſaid petition were thereby reſerved until after the ſaid commiſſioners ſhould have made their certificate, when any of the parties were to be at liberty to apply to your Lordſhip in relation thereto, as they

ſhould

ſhould be adviſed, and ſuch order ſhould be made as ſhould be juſt."

THAT the major part of the commiſſioners acting under the ſaid commiſſion, did, in purſuance of the ſaid order of the ſaid day of laſt, meet at on the day of 17 and by their report of that date did certify, that by virtue of the order of the ſaid of laſt, they had been attended by the proper parties, for the purpoſe of taking the accounts between the ſaid bankrupts and the ſaid J. M. and that the account to the certificate annexed was admitted by the aſſignees, ſave as therein after mentioned and ſworn to by the ſaid J. A. one of the ſaid bankrupts, and J. D. the clerk to the ſaid bankrupts, to be a true copy of the account current, exiſting between the ſaid bankrupts and the ſaid J. M, at the time of the date and iſſuing of the ſaid commiſſion; and that it appeared to them, that the ballance then due from the ſaid bankrupts to the ſaid J. M. was and that it appeared to them by the ſaid accounts thereunto annexed, and admitted by all parties then preſent, that the ſaid bankrupts had received, on account of the ſaid J. M. at the times mentioned in the ſaid account, the ſum of and that in the ſaid account current, the ſaid bankrupts had charged and been allowed a commiſſion of per cent. on the ſum of which the ſaid J. A. declared upon his oath to be the whole of the commiſſion he ever meant to have charged the ſaid J. N. for tranſacting his buſineſs in England; and that it appeared to them, that no commiſſion whatſoever had been charged in the ſaid account current, on the ſum of received by the ſaid bankrupts, after the of 17 the time of the ballancing the ſaid account; whereupon it was contended by the aſſignees of the ſaid bankrupts, that there ought to be charged the ſame commiſſion of per cent. on the ſaid ſum of as had been, ſo as aforeſaid, charged on the ſaid ſum of the commiſſion being claimed as a commiſsion for receiving the money; but it appearing to them by the bankrupt's accounts

counts, and by his evidence given before them, that the ſaid commiſsion of per cent. had theretofore been charged by him, and (if he had continued ſolvent) would have been by him charged as a commiſsion, both for receiving and paying; they were of opinion, that the ſaid commiſsion of per cent. ought not to be charged on ſo much of the ſaid ſum of as then remained due to the ſaid J. M. viz. on the ſaid ſum of but that it ought to be charged on the ſum of to which commiſsion of per cent. on the ſaid ſum of amounted to and being deducted from the ſaid ballance of would leave a ballance of which they certified to be the ballance juſtly due to the ſaid J. M. from the ſaid bankrupts.

THAT on the day of your petitioners did, on the part and behalf of the ſaid J. M. preſent a petition unto the then Lords commiſſioners of the great ſeal of Great Britain, praying, that they would order, that the ſaid report of the ſaid commiſsioners of the ſaid day of laſt, might in all things be ratified and confirmed, and that the petitioners might, on behalf of the ſaid J. M. be admitted creditors under the ſaid commiſſion of bankrupt for the ſum of by the ſaid certificate reported due to the ſaid J. M. from the ſaid bankrupts, at the time of the date and ſuing forth of the ſaid commiſsion, might be directed to pay unto the petitioners, in reſpect of the ſaid debt of ſo reported due to the ſaid J. M. a rateable dividend, in proportion with the reſt of the bankrupts' creditors ſeeking relief under the ſaid commiſsion; and that the ſaid aſſignees might be directed to deliver up to your petitioners, as well the ſaid policies of aſſurance, ſo effected by the ſaid bankrupts, on account of the ſaid J. M. on the ſaid ſhip as aforeſaid, as alſo ſeveral other papers in the ſaid petition mentioned, and for other purpoſes in the ſaid petition prayed.

THAT the ſaid petition came on to be heard on the day of 17 when the ſaid Lords commiſsioners of the great ſeal were pleaſed to order, that the

the petitioners on behalf of the ſaid J. M. be admitted creditors under the ſaid commiſſion for the ſum of by the ſaid commiſsioners' certificate found to be due to the ſaid J. M. from the ſaid J. A. and T. A. at the time of the iſſuing the commiſſion of bankrupt againſt them; and that the petitioners be paid a dividend or dividends, in reſpect of the ſaid ſum of rateably and in equal proportion with the reſt of the ſaid bankrupts' creditors, ſeeking relief under the ſaid commiſsion; and by conſent of the counſel for the ſaid aſsignees, they did order, that the ſaid aſſignees ſhould deliver up to the petitioners the ſeveral policies of aſſurance on the ſhip the reſpondentia, bond, and letter of attorney of the ſaid G. H. in the ſaid petition mentioned; and alſo all other bills, bonds, notes, policies of aſſurance, and other ſecurities, papers, and writings in their reſpective cuſtody or power, which have at any time or times been remitted by the ſaid J. M. or any other perſon or perſons on his behalf, or on his account, to the ſaid bankrupts, or which ſhould or might at any time or times thereafter come to the hands, cuſtody, or power of the ſaid aſſignees, for or on account of the ſaid J. M.

THAT the ſaid bankrupts and their aſſignees, in purſuance of the above in part recited order of the day of 17 delivered up unto your petitioners certain policies on the ſaid ſhip to the amount of

THAT the ſaid J. M. in the ſaid account with the ſaid bankrupts, is charged with as and for the premium and policies, on two policies ſaid to be effected at Briſtol and Exeter, for the ſum of and for the commiſsion of per cent. for effecting the ſame.

THAT the ſaid bankrupts, or their aſſignees, have not delivered up to your petitioners the ſaid two policies, ſo charged to be effected at Briſtol and Exeter, for the ſaid ſum of as aforeſaid, in as much as the ſame are retained by the perſons effecting the ſame, for the premiums paid thereon.

THAT a return of premium for ſhort intereſt is due upon the ſaid policies, and which has been paid and returned by the ſolvent underwriters, on the ſaid other policies, to the amount of

THAT it has been diſcovered by your petitioners, and the ſaid bankrupt, and their aſſignees, that the ſaid J. M. in the account taken before the ſaid commiſſioners, has been over-credited the ſum of on which ſum of your petitioners have not received the dividend of 4s. in the pound, paid under the ſaid commiſſion.

THAT your petitioners are adviſed, and humbly inſiſt, that they are entitled to ſurcharge the ſaid bankrupts' eſtate with the ſaid ſum of ariſing as aforeſaid, offering to allow unto them the ſaid ſum of which will leave a ballance of which your petitioners claim to be added to the debt already proved under the ſaid commiſſion.

YOUR petitioners therefore moſt humbly pray your Lordſhip, that they may, on the behalf of the ſaid J. M. be admitted creditors for the ſum of over and above the debt already proved under the ſaid commiſſion; and that your petitioners may, on behalf of the ſaid J. M. be paid the full dividend of 4s. in the pound, already declared under the ſaid commiſſion, as well on the ſaid ſum of as alſo upon the debt already proved under the ſaid commiſſion, or ſo much thereof as the ſame has not been received upon, together with ſuch further dividend or dividends as may hereafter be declared under the ſaid commiſſion, rateably and in proportion

portion with the reſt of the creditors ſeeking relief under the ſaid commiſſion; and that the coſts of this application may be paid to your petitioners, out of the ſaid bankrupts' eſtate and effects.

And your petitioners ſhall ever pray, &c.

Petition to prove a debt, and receive a dividend, the bankrupt ſetting up a partnerſhip not known to the petitioner.

In the matter of J. B. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of J. R. of in the county of merchant,

Sheweth,

THAT your petitioner having received an order from J. B. the ſaid bankrupt, to ſupply him with a quantity of goods, did, in or about the month of 17 ſend the goods ſo ordered by the ſaid J. B. to him at his houſe at in the county of and which were duly received by the ſaid J. B. as the ſaid J. B. ſoon afterwards by letter informed your petitioner, which ſaid goods amounted in price and value to the ſum of pounds ſhillings.

THAT in or about the month of in the year of our Lord 17 a commiſſion of bankruptcy iſſued againſt the ſaid J. B. and the ſaid J. B. was declared bankrupt thereon; and not having paid or in any manner ſatisfied your petitioner, his ſaid debt of or any part thereof, your petitioner made a proper affidavit of the amount thereof, and ſent the ſame to a correſpondent at aforeſaid, in order to have the ſame duly proved as a debt under the ſaid commiſſion.

THAT your petitioner's ſaid correſpondent did accordingly attend at a public meeting of the commiſſioners

miſſioners acting under the ſaid commiſsion, and tendered and offered to prove your petitioner's ſaid demand as a debt under the ſame; but the ſaid J. B. oppoſed ſuch proof, alledging, that two perſons, of the names of C. and G. were jointly concerned with him the ſaid J. B. in the ſaid goods, ſo furniſhed by your petitioner to the ſaid J. B. as aforeſaid; and therefore, that your petitioner was only entitled to prove one third part of the amount of his ſaid debt under the ſaid commiſſion againſt the ſaid J. B. and muſt take his remedy for the other two third parts thereof, againſt the ſaid C. and G. and the commiſsioners accordingly refuſed to permit your petitioner to prove more than the ſaid one third part of his ſaid demand; and therefore your petitioner did not prove any part thereof.

THAT at the time the ſaid J. B. ordered and received the ſaid goods from your petitioner as aforeſaid, he the ſaid J. B. acted as a ſeparate trader and dealer, nor did your petitioner know or had ever heard, that the ſaid J. B. was connected in partnerſhip with any perſon or perſons whomſoever, nor did the ſaid J. B. then, or at any time, ſave as aforeſaid, intimate to your petitioner, in any manner howſoever, that any other perſon or perſons, was or were concerned with him the ſaid J. B. either in the ſaid goods ſo delivered by your petitioner to the ſaid J. B. as aforeſaid, or in any other manner, but your petitioner received the order for the ſaid goods from the ſaid J. B. in the way of his the ſaid J. B.'s own ſeparate buſineſs, as a ſeparate dealer and merchant, and for his ſeparate account; and your petitioner accordingly delivered the ſaid goods to him on his own ſole and ſeparate credit, without any ſort of knowledge or intimation whatever, either directly or indirectly of any other perſon or perſons being concerned or intereſted therein. Nor did your petitioner ever hear of, or know that any ſuch perſons exiſted as the ſaid C. and G. or either of them, ſave as aforeſaid. And your petitioner hath cauſed enquiry to be made at P. aforeſaid, and other places, after the ſaid C. and G. but could not learn where they

they lived, or in what ſituation of life they were; but your petitioner hath lately been informed that they reſide ſome where in North America.

THAT at the time your petitioner delivered the ſaid goods to the ſaid J. B. as aforeſaid, your petitioner was in partnerſhip in his ſaid houſe at B. aforeſaid, with W. R. and L. C. who had likewiſe a houſe of trade in London, in which your petitioner had no connection or intereſt whatever.

THAT in the month of 17 the ſaid W. R. and L. C. were declared bankrupts under a commiſſion of bankrupt, awarded againſt them, and your petitioner thereby became the only ſolvent partner of his ſaid houſe, and upon the ſettlement of accounts between your petitioner and his ſaid partners, there appeared to be a ballance of ſeveral thouſand pounds due from the ſaid W. R. and L. C. to your petitioner; and your petitioner being obliged to ſatisfy all the debts due from the ſaid partnerſhip, is thereby intitled to receive all the outſtanding debts due thereto, and is therefore intitled to the intereſt and benefit of the ſaid demand of pounds ſhillings, upon the eſtate of the ſaid J. B. as aforeſaid.

YOUR petitioner therefore moſt humbly prays, that your Lordſhip will be pleaſed to direct the acting commiſſioners named and authorized in and by the ſaid commiſſion of bankrupt, againſt the ſaid J. B. to permit your petitioner to prove his ſaid debt of under the ſaid commiſſion, and that a meeting of the ſaid commiſſioners may be held for that purpoſe, at the expence of the ſaid bankrupt's eſtate, and that your petitioner may be paid ſuch dividend under the ſaid commiſſion as the reſt of the creditors of the ſaid J. B. have already received; and alſo to receive a due

proportion

proportion of all future dividends to be made of the ſaid bankrupt's eſtate, in common with the reſt of the creditors; and that your petitioner may alſo be paid the coſts of this application out of the ſaid bankrupt's eſtate, or that your Lordſhip will be pleaſed to make ſuch other order therein as to your Lordſhip ſhall ſeem meet,

And your petitioner ſhall ever pray, &c.

Petition for the Truſtee of the Widow of a Bankrupt to be paid Dividends.

In the matter of W. C. and R. C. ſurviving Copartners of L. H. deceaſed, bankrupts.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN,

The humble Petition of T. B. a Truſtee for and on behalf of M. H. wife of J. H. and M. S. wife of E. S. formerly M. C. ſpinſter, deviſees and reſiduary legatees, named in the laſt will and teſtament of M. H. deceaſed;

Sheweth,

THAT your petitioner, and the above-named M. H. and M. S. did on the prefer their petition to your Lordſhip, ſtating that the ſaid bankrupts W. C. and R. C. together with the ſaid L. H. deceaſed, were in the year 17 in partnerſhip together as bookſellers in London, and being greatly diſtreſſed for money, they applied to one S. B. to lend them the ſum of pounds for the uſe of the joint trade, which he declined advancing, unleſs they would prevail on the ſaid M. H. then the wife of the ſaid L. H. to mortgage a freehold eſtate of which ſhe was ſeized in fee, ſituate at M. and L. in the county of K. and which was then let at pounds per

per annum, as a ſecurity for the repayment of the ſaid pounds and inteteſt.

THAT the ſaid M. H. was prevailed upon to mortgage the ſaid eſtate, on the ſaid L. H. W. C. and R. C. agreeing to give and execute to your petitioner T. B. as truſtee for the ſaid M. H. a bond in the penalty of pounds, conditioned for the due payment to the ſaid S. B. of the principal and intereſt ſo lent by him to the ſaid copartners, and to indemnify the ſaid M. H.'s eſtate from the payment of the ſame, or any part thereof.

THAT in conſequence of the ſaid L. H. W. C. and R. C. entering into and executing ſuch bond, bearing date the the ſaid M. H. with her huſband L. H. by indentures of leaſe and releaſe, dated the and by a recovery ſuffered in conſequence thereof, conveyed the ſaid eſtates to the ſaid S. B. his heirs and aſſigns, ſubject to a proviſo, that in caſe the ſaid L. H. W. C. and R. C. ſhould pay the ſaid S. B. the ſaid pounds and intereſt, on the day of then next enſuing, then the ſaid S. B. and his heirs, ſhould reconvey the ſaid premiſes to the ſaid L. H. and M. his wife, their reſpective heirs and aſſigns, as tenants in common, and not as joint tenants; and that until default ſhould be made in payment of the principal and intereſt, the ſaid L. H. and M. his wife, their heirs and aſſigns, ſhould receive the rents, iſſues, and profits, of the premiſes.

THAT the ſaid L. H. departed this life on or about the of inteſtate, without having by himſelf or his partner paid the ſaid pounds and intereſt to the ſaid S. B.; and upon the death of the ſaid L. H. the ſaid M. his widow, took out adminiſtration, but did not poſſeſs herſelf of any part of his effects (they being all joint property) except a few houſhold goods, which were not near ſufficient to pay his private debts.

THAT in the month of 17 the ſaid M. H. died, having firſt duly made and publiſhed her laſt will and teſtament in writing; whereby ſhe deviſed her freehold eſtate at M. and L. in the county of K. (being the ſame eſtate ſo mortgaged to the ſaid S. B. as aforeſaid)

aforeſaid) unto your petitioner M. H. and the petitioner M. S. by her then maiden name of M. C. their heirs and aſſigns, and made your petitioners M. H. and M. S. her reſiduary legatees, and appointed J. W. her executor, who proved the ſaid will in the prerogative court of Canterbury.

THAT on or about the a commiſſion of bankrupt was awarded and iſſued againſt the ſaid W. C. and R. C. as ſurviving partners with the ſaid L. H. deceaſed; and afterwards T. C. A. H. and E. B. were duly choſen aſſignees of the ſaid bankrupts' eſtate and effects, and an aſſignment thereof was made and executed to them by the major part of the commiſſioners.

THAT the ſaid S. B. having received no part of his principal ſum of pounds, ſo lent as aforeſaid, was permitted by the major part of the commiſſioners, to prove a debt of under the ſaid commiſſion, for principal and intereſt due to him, and ſecured by the ſaid mortgage, ſo made to him by the ſaid L. H. and M. his wife.

THAT ſoon after proving his ſaid debt, the ſaid S. B. got into poſſeſſion of the rents and profits of the ſaid mortgaged premiſes.

THAT the ſaid J. W. the executor of the ſaid M. H. being poſſeſſed of the ſaid bond ſo given and executed by the ſaid L. H. W. C. and R. C. to your petitioner T. B. for payment of the ſaid pounds, and intereſt to the ſaid T. B. and to indemnify the ſaid M. H.'s eſtate from the payment thereof, was permitted by the commiſſioners to claim the ſaid ſum of pounds, under the ſaid commiſſion.

THAT the ſaid aſſignees and S. B. the mortgagee, ſometime afterwards put up the ſaid eſtate at M. and L. the property of the ſaid M. H. to ſale by public auction, and the ſame was ſold for the ſum of

THAT your petitioners the ſaid M. H. and M. S. the heirs at law and deviſees of the ſaid M. H. from the perſuaſions of the ſaid aſſignees, and at their particular deſire and intreaty, and on their aſſurances that your

your petitioners M. H. and M. S. ſhould not be prejudiced, were prevailed upon to join in releaſing the equity of redemption of the ſaid mortgaged premiſes to the purchaſer thereof, without receiving one ſhilling, your petitioners M. H. and M. S. not doubting but that the claim of the ſaid J. W. would be admitted to be proved, your petitioners M. H. and M. S. having by the means aforeſaid been deprived of the ſaid eſtate ſo deviſed to them by the ſaid M. H. That the ſaid aſſignees on or about the day of 17 petitioned the then Lord High Chancellor, that the ſaid debt ſo proved by the ſaid H. B. and the ſaid claim ſo made by the ſaid J. W. might be diſallowed and ſtruck out of the proceedings; but on hearing the ſaid petition, his lordſhip refuſed to make any order thereon. That the ſaid aſſignees had cauſed two dividends to be made under the ſaid commiſſion, one of two ſhillings and ſix pence in the pound, and one of five ſhillings in the pound, making together ſeven ſhillings and ſix pence in the pound, and had then advertiſed a final dividend to be made. That your petitioners M. H. and M. S. from the repreſentations of the ſaid aſſignees at the time they prevailed on your petitioners M. H. and M. S. to execute the releaſe of the equity of redemption of the ſaid mortgaged premiſes, had no doubt but they ſhould be permitted, or the ſaid J. W. would be permitted to prove the ſaid bond for pounds, and receive a dividend rateably with the other creditors, the ſaid aſſignees having admitted they had retained monies ſufficient in their hands to pay ſame; yet to your petitioners' very great ſurprize they have ſince refuſed to permit the ſaid J. W. to prove ſame, and your petitioners were thereby precluded from receiving one ſhilling ſatisfaction out of the ſaid bankrupt's eſtate on account of the ſaid bond unleſs your lordſhip would permit the ſaid bond to be proved, and therefore praying that it might be referred to the major part of the commiſſioners to take an account of what had been received by the ſaid S. B. by the ſale of the ſaid eſtate at M. and L. and by receipt of the rents and profits thereof, and that ſo much be ſtruck off his

debt ſo proved under the ſaid commiſſion, and that your petitioner the ſaid T. B. or your petitioners M. H. and M. S. as deviſees under the will of the ſaid M. H. might be admitted to prove under the ſaid commiſſion the ſaid bond for the ſum of pounds given by the ſaid bankrupts, and the ſaid L. H. deceaſed, to you petitioner T. B. with intereſt from the time of the death of the ſaid M. H. to the date and ſuing forth of the ſaid commiſſion, and that the petitioners might receive the two dividends of two ſhillings and ſixpence, and five ſhillings in the pound, already declared, and all future dividends to be declared, the aſſignees admitting they had retained monies in their hands to anſwer the claim made by the ſaid J. W. and that the claim of the ſaid J. W. might be diſallowed and ſtruck out of the proceedings under the ſaid commiſſion, the debt being immediately owing from the ſaid bankrupts to your petitioner T. B. on the ſaid bond in truſt for your petitioners M. H. and M. S. and that your petitioners might have ſuch further and other relief in the premiſes as to your lordſhip ſhould ſeem meet; whereupon your lordſhip ordered all parties concerned to attend your lordſhip on the matter of the ſaid petition on the then next day of petitions, when your lordſhip was pleaſed to order that your petitioner T. B. as truſtee named in the laſt will and teſtament of M. H. in the ſaid petition named, ſhould ſtand in the place of the ſaid S. B. in reſpect of all future dividends which ſhould accrue or be made under the ſaid commiſſion, and receive ſuch future dividends accordingly upon the truſts declared by the will of the ſaid M. H. concerning the reſidue of her perſonal eſtate.

THAT in the ſaid order no notice is taken of the two dividends of two ſhillings and ſix pence in the pound, and five ſhillings in the pound already made by the aſſignees under the ſaid commiſſion, and retained by the ſaid aſſignees in their hands to be paid the ſaid S. B. for his ſaid debt ſo proved by him as aforeſaid. That the ſaid S. B. hath not demanded or received from the aſſignees of the ſaid W. C. and R. C. the ſaid two firſt dividends

dividends of two ſhillings and ſixpence in the pound, and five ſhillings in the pound, ſo retained by the ſaid aſſignees in their hands, on the debt ſo proved by him under the ſaid commiſſion, nor means to demand or receive the ſame, and is willing your petitioner ſhould ſtand in his place and receive the ſame.

YOUR petitioner therefore moſt humbly prays your Lordſhip to order, that the aſſignees of the ſaid W. C. and R. C. pay to your petitioner, as truſtee of the ſaid M. H. as aforeſaid, the ſaid two dividends of two ſhillings and ſixpence in the pound, and five ſhillings in the pound, on the ſaid debt of ſo proved by the ſaid S. B. under the ſaid commiſſion, and retained by the aſſignees in their hands, in like manner as is directed by your Lordſhip, reſpecting the future dividends to be made under the ſaid commiſſion.

And your petitioner ſhall ever pray, &c.

Petition to prove a debt, upon an award.

In the matter of A. L. a Bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of J. L. of the Iſland of Guernſey, merchant, ſurviving partner of R. L. widow, and E. L. both of the ſame place, deceaſed.

Sheweth,

THAT in or about the year 17 the ſaid A. L. the bankrupt, together with N. L. his brother, ſince deceaſed, were engaged and concerned as co-

partners in a very large and extenſive mercantile buſineſs.

THAT ſome diſputes and differences ariſing between them, the ſaid A. L. brought his action at law in his Majeſty's Court of King's Bench, againſt the ſaid N. L. deceaſed, which came on to be tried before Lord Mansfield, at Guildhall, the ſittings after Trinity Term 17 when it was ordered by the Court, by and with the conſent of the ſaid A. L. and N. L. their counſel and attornies, that the Jury ſhould find a verdict in the ſaid cauſe for the plaintiff A. L. the bankrupt's damages and coſts ſubject to the order and award to be made purſuant thereto.

THAT it was amongſt other things agreed to and ordered, that all matters in difference between the parties ſhould be referred to the award or arbitrament, final end, and determination, of W. H. of London, merchant, who was to make and publiſh his award in writing, of and concerning the premiſes in queſtion, between the ſaid parties, on or before the day of Michaelmas Term then next enſuing; and that the ſaid parties ſhould and did perform, fulfil, and keep ſuch award ſo to be made by the ſaid W. H. as arbitrator as aforeſaid.

THAT it being found impoſsible for the ſaid W. H. the arbitrator, to make his award by the time limited by the ſaid in part recited order of *niſi prius*, the ſaid A. L. the bankrupt, and N. L. deceaſed, and your petitioner, together with the ſaid R. L. widow, and E. L. both ſince deceaſed, entered into an agreement (and which ſaid agreement was afterwards made a rule of the ſaid court of King's Bench) whereby they agreed to enlarge the time for the ſaid W. H. to make his award, until the day of the then next Hilary Term.

THAT the ſaid W. H. in and by a certain deed or inſtrument of award in writing, under his hand and ſeal, bearing date the day of 17 after reciting to the effect herein before recited, did amongſt other things ſtate, that he had found out and diſcovered

that

that the ſaid A. L. the bankrupt, and N. L. deceaſed, in their then late joint trade, were then jointly indebted unto your petitioner, and his late partners deceaſed, in the ſum of of lawful money of Great Britain.

THAT the ſaid W. H, did thereby, amongſt other things, award and order, that the ſaid N. L. deceaſed, his executors, adminiſtrators, or aſſigns, ſhould, on or before the day of then next enſuing, pay and ſatisfy, or cauſe to be paid and ſatisfied unto your petitioner, and his aforeſaid late partners deceaſed, their executors, adminiſtrators, or aſſigns, the ſum of of like lawful money, in part ſatisfaction of the ſaid debt or ſum of

THAT the ſaid W. H. did thereby further award and order, that the ſaid A. L. the bankrupt, and the ſaid N. L. deceaſed, or the ſurvivor of them, his executors, adminiſtrators, or aſſigns, ſhould, when thereunto requeſted by your petitioner, and his late partners, the ſaid R. and E. L. deceaſed, or any or either of them, and at their expence, in due form of law duly execute an aſſignment unto your petitioner, and his ſaid late partners deceaſed, their executors, adminiſtrators, and aſſigns of debts, being part of the debts mentioned in the ſecond ſchedule of the ſaid now reciting award.

THAT in order to reduce the ſaid ſum of to the ſum of the ballance that would be due to your petitioner, and his ſaid late partners deceaſed, from the ſaid late joint trade, after they ſhould have received from the ſaid N. L. the ſum of the ſaid W. H, did thereby further award and order, that your petitioner, and his ſaid late partners deceaſed, ſhould, at the time of the execution of the ſaid aſſignment, pay to the ſaid A. L. the bankrupt, the ſum of and to the ſaid N. L. deceaſed, the like ſum of of like lawful money,

THAT the ſaid W. H. did thereby further award and order, that if any of the ſaid laſt mentioned debts ſhould prove bad, or that the ſame, or any of them, ſhould not be recovered or received by force, or by

by virtue of the ſaid aſſignment, without the wilful neglect or default of your petitioner, and his ſaid late partners deceaſed, their executors, adminiſtrators, or aſſigns, on or before the day of which would be in the year of our Lord 17 that then and in ſuch caſe ſo much of the ſum of as ſhould have been ſo recovered or received, ſhould from that day be conſidered and deemed as a debt due to your petitioner, and his ſaid late partners deceaſed, from the ſaid A. L. the bankrupt, and N. L. deceaſed, each of whom was immediately thereafter to pay unto your petitioner, and his ſaid late partners deceaſed, their executors, adminiſtrators, or aſſigns, one moiety or half part of the ſaid laſt mentioned debt, with lawful intereſt for the ſame, to be computed from the then laſt paſt; and that thereupon ſuch and ſo many of the ſaid debts, ſo to be aſſigned as aforeſaid, ſhould, by your petitioner and his ſaid late partners deceaſed, their executors, and adminiſtrators, be reaſſigned at the expence of the ſaid A. L. the bankrupt, and N. L. jointly, their executors, adminiſtrators, or aſſigns.

THAT after the making and publiſhing the ſaid award, application was from time to time made by your petitioner, and his ſaid late partners deceaſed, to the ſaid A. L. the bankrupt, to join in and execute the ſaid aſſignment of the ſaid debts, in the ſaid award ordered to be executed by him the ſaid A. L. and N. L. (the ſaid N. L. being at all times during his life ready to have executed the ſame) but the ſaid A. L. the bankrupt wholly refuſed to comply therewith, and the ſaid aſſignment hath never been executed.

THAT the ſaid N. L. departed this life inſolvent, in or about the month of 17 That a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date on or about the day of 17 was awarded and iſſued againſt the ſaid A. L. who was thereupon duly found and declared a bankrupt, and P. L. Eſq. P. P. T. B. and W. B. were choſen aſſignees of his eſtate and effects.

THAT

THAT your petitioner, being adviſed that he was entitled to prove the ſaid ſum of under the ſaid commiſſion ſo awarded and iſſued againſt the ſaid A. L. he has cauſed application to the aſſignees choſen under the ſaid commiſsion, to be admitted as a creditor to prove the ſame, who have refuſed to admit ſuch proof without your Lordſhip's order for that purpoſe.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that your petitioner may be admitted a creditor under the ſaid commiſsion, for the ſaid ſum of and that he may be paid out of the ſaid bankrupt's eſtate, now in, or which ſhall hereafter come to the hands of the ſaid aſſignees under the ſaid commiſsion, a dividend or dividends in reſpect thereof, rateably and in equal proportion with the other creditors of the ſaid bankrupt, ſeeking relief under the ſaid commiſsion: or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes, as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition

Petition for a ſum ariſing from the ſale of an eſtate to be paid, and petitioner to prove remainder under the commiſſion.

In the matter of W. F. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of J. P. of ſtreet, London, Tobacconiſt;

Sheweth,

THAT in or about the month of 17 your petitioner lent the ſaid W. F. the bankrupt, the ſum of pounds, and for ſecuring the repayment thereof with intereſt, the ſaid W. F. together with W. N, then of in the county of as ſurety for the ſaid W. F. entered into and executed a joint bond to your petitioner; and the ſaid W. N. having afterwards departed this life, the ſaid W. F. requeſted your petitioner to deliver up the ſaid bond to be cancelled, it being as the ſaid W. F. alledged the earneſt deſire of the ſaid W. N.'s executors to have the ſame ſo delivered up, and your petitioner conſented thereto, and did deliver up the ſame, upon being aſſured by the ſaid W. F. that he would immediately replace the ſaid bond with ſuch other ſecurity as your petitioner ſhould approve of, and in the mean time the ſaid W. F. gave his note of hand to your petitioner for the ſaid ſum of

THAT the ſaid W. F. ſoon afterwards informed your petitioner by letter, that he could not obtain for your petitioner ſuch ſufficient ſecurity for the ſaid debt as he the ſaid W. F. had expected, and that therefore he had ſent his own bond for the ſame to your petitioner; and your petitioner at the ſame time received a bond from the ſaid W. F. dated the day of 17 whereby the ſaid W. F. became bound to your petitioner in the penal ſum of conditioned for the payment of the ſum of with lawful intereſt.

THAT your petitioner not thinking the bond of the ſaid W. F. alone, a ſufficient ſecurity for the ſaid debt or ſum of and having informed the ſaid W. F.

W. F. of your petitioner's diſapprobation of ſuch ſecurity, he thereupon ſent your petitioner the title deeds of a certain eſtate, ſituate at in the county of of which he was ſeized and in poſſeſſion, and requeſted your petitioner to accept and keep the ſame as a collateral ſecurity for the ſaid debt; he the ſaid W. F. at the ſame time informing your petitioner that it was the beſt ſecurity he could then give for ſuch debt, and which ſaid title deeds have ever ſince remained and now are in the poſſeſſion of your petitioner, and he hath no other ſecurity for his ſaid debt, than the ſaid title deeds and the aforeſaid bond from the ſaid W. F. he your petitioner having long ſince delivered the ſaid note.

THAT in the year 17 the ſaid W. F. duly conveyed and aſſigned all his eſtate and effects to P. A. I. A. and G. W. all of in the county of S. in truſt and for the benefit of his the ſaid W. F.'s creditors; and in or about the month of in the ſame year they the ſaid truſtees cauſed the ſaid W. F.'s ſaid eſtate at as aforeſaid to be put up to ſale by auction, and R. L. of the city of ironmonger was declared to be the higheſt bidder and the purchaſer thereof at the price or ſum of

THAT the title deeds of the ſaid eſtate having been depoſited with your petitioner as a ſecurity for the ſaid debt or ſum of as aforeſaid, he on being applied to by the ſaid truſtees P. A. I. A. and G. W. to deliver up ſuch deeds, refuſed to deliver up the ſame, unleſs the ſaid purchaſe money was paid to your petitioner, and he was permmitted to come in as a creditor upon the ſaid W. F.'s eſtate and effects for the reſidue of his your petitioner's ſaid debt.

THAT ſoon afterwards and before the ſaid truſtees had executed the truſts of the ſaid deed, or diſpoſed of the ſaid W. F.'s effects by virtue thereof, to wit on or about the day of 17 a commiſſion of bankrupt under the great ſeal of Great Britain was awarded and iſſued againſt the ſaid W. F. and he was thereupon duly found and declared a bankrupt by the major part of the commiſſioners named in ſuch commiſſion; and S. G.

of aforeſaid, gentleman, and W. T. of the ſame place, gentleman, were duly choſen aſſignees of the ſaid bankrupt's effects, and an aſſignment thereof hath been made to them by the major part of the commiſſioners named in the ſaid commiſſion, upon the uſual intereſts; and bargain and ſale of the ſaid bankrupt's real eſtate hath been executed to them by the ſaid commiſſioners duly enrolled.

THAT the whole of the ſaid principal of for ſecuring whereof the ſaid bankrupt gave his ſaid bond, and depoſited with your petitioner the title deeds of the ſaid eſtate as aforeſaid, ſtill remains due and owing to your petitioner, with an arrear of intereſt for the ſame, and the ſaid R. L. who purchaſed ſuch eſtate of the ſaid truſtees P. A. I. A. and G. W. as aforeſaid hath paid a conſiderable part of his ſaid purchaſe money to them, which they have paid over or accounted for to the ſaid aſſignees, who claim the remainder thereof.

THAT your ſaid petitioner is adviſed and humbly inſiſts that he hath a lieu in equity upon the ſaid eſtate and the title deeds thereof, for his ſaid debt; and the ſaid ſum of for which the ſaid eſtate was ſold to the ſaid R. L. as aforeſaid, ought to be paid to your petitioner in part diſcharge of his ſaid debt, and that he ought to be admited a creditor under the ſaid commiſſion of bankruptcy for the remainder of ſuch debt, and receive a dividend in reſpect thereof out of the ſaid bankrupt's other eſtates and effects, and your petitioner hath accordingly applied to the ſaid S. G. and W. T. the aſſignees under the ſaid commiſſion of bankruptcy, to have the ſale made of the ſaid bankrupt's eſtate at to the ſaid R. L. as aforeſaid, compleated and confirmed by them, and to be paid the ſaid purchaſe money of in part of your petitioner's ſaid debt, and to be admitted a creditor under the ſaid commiſſion for the remainder of ſuch debt, he your petitioner having offered on, being paid ſuch purchaſe money, to deliver up the title deeds of the ſaid eſtate; but the ſaid aſſignees S. G. and W. T. have refuſed to permit

permit any part of the ſaid purchaſe money of to be paid to your petitioner.

YOUR petitioner therefore moſt humbly prays, that your Lordſhip will be pleaſed to order that the ſaid ſum of for which the ſaid eſtate was ſold to the ſaid R. L. as aforeſaid, be paid to your petitioner in part diſcharge of the debt due to him from the ſaid bankrupt, and that your petitioner be admitted a creditor under the ſaid commiſſion of bankrupt for the remainder of ſuch debt, and be paid a dividend in reſpect thereof out of the ſaid bankrupt's ſaid eſtate and effects, rateably and in proportion with his other creditors; or that your Lordſhip will be pleaſed to make ſuch order in the premiſes as ſhall be juſt.

And your petitioner ſhall ever pray, &c.

Petition to be paid a dividend on a debt after three dividends having been paid.

In the matter of T. W. J. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of A. B.

Sheweth,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, having on or about the day of 17 been awarded and iſſued againſt T. W. J. of London, merchant, he was therefore found and declared to be a bankrupt, and J. K. ſince deceaſed

J. M. and T. E. were duly choſen aſſignees of the eſtate and effects of the ſaid bankrupt.

THAT three ſeveral dividends, amounting together. to the ſum of ſhillings in the pound, have been made of the eſtate and effects of the ſaid bankrupt amongſt the ſeveral creditors who had come in and ſought relief under the ſaid commiſſion, previous to the making of ſuch ſeveral dividends.

THAT ſince the making of the laſt of the three ſaid dividends, viz. on or about the day of 17 your petitioner proved a debt under the ſaid commiſſion, amounting to the ſum of upon which no dividend has been hitherto paid to your petitioner.

THAT the ſaid commiſſion having abated by the death of the major part of the commiſſioners therein named, the ſame hath been ſince renewed, and the renewed commiſſion directed to but the commiſſioners have never acted under the ſaid renewed commiſſion.

THAT the ſaid J. M. and T. G. the ſurviving aſſignees of the ſaid bankrupt, have ſince making of the laſt dividend under the ſaid commiſſion, received and got in upon account of the ſaid bankrupt's eſtate, ſeveral conſiderable ſums of money, and there is now remaining in their hands, much more than ſufficient to pay your petitioner the three ſeveral dividends which have been already made under the ſaid commiſſion, upon the debt of ſo proved by him under the ſaid commiſſion, without diſturbing any dividend already made.

Your petitioner therefore moſt humbly prays your Lordſhip that you would be pleaſed to direct the commiſſioners in the ſaid renewed commiſſion, named, or the major part of them, to proceed under the ſaid commiſſion, or to order the ſaid J. M. and T. E. the ſurviving aſſignees of the ſaid bankrupt out of the monies now remaining in their

their hands, or which ſhall hereafter come to their hands belonging to the ſaid bankrupt's eſtate, to pay to your petitioner the three ſeveral dividends, amounting together to the ſum of ſhillings in the pound, upon the ſaid debt of ſo proved by him as aforeſaid; and alſo to pay to your petitioner all ſuch future dividends as ſhall be made of the ſaid bankrupt's eſtate upon his ſaid debt of rateably and in proportion with ſuch other of the ſaid bankrupt's creditors as already have or hereafter ſhall come in and ſeek relief under the ſaid commiſsion.

And your petitioner ſhall ever pray, &c.

Petition to compel a ſolicitor to deliver up the proceedings under a commiſſion, &c.

In the matter of E. L. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of T. S. of in the county of merchant, on the behalf of himſelf, and E. his wife, adminiſtrator and adminiſtratrix of C. G. deceaſed.

Sheweth,

THAT on or about the day of in the year of our Lord 17 a commiſſion of bankrupt under the great ſeal of Great Britain, was awarded and iſſued againſt E. L. of in the county of under which he was found and declared a bankrupt; and C. G. and R. C. both of in the county of merchants,

were

were duly choſen aſsignees, to whom the eſtate and effects of the ſaid E. L. were aſsigned, by the major part of the commiſsioners acting under the ſaid commiſſion.

THAT the commiſsioners named in the ſaid commiſsion are all of them dead, and the ſaid R. C. the aſsignee, died ſeveral years ago.

THAT the ſaid C. G. ſurvived the ſaid R. C. but is lately dead inteſtate, leaving E. his daughter, your petitioner's wife, his perſonal repreſentative.

THAT your petitioner and his wife have taken out letters of adminiſtration to the effects of the ſaid C. G.

THAT your petitioner, upon inſpecting the books and accounts of the ſaid C. G. found, that there remained in his hands, at the time of his death, a ſum of money ariſing from the eſtate of the ſaid E. L. and your petitioner, being deſirous that the ſame ſhould be divided amongſt the ſaid E. L.'s creditors, applied for and obtained a renewed commiſſion of bankrupt, under the great ſeal of Great Britain, againſt the ſaid E. L. bearing date the day of laſt, directed to

THAT J. B. late of aforeſaid, but now of in the city of London, being the ſolicitor to the firſt mentioned commiſsion, and having all the proceedings under the ſame in his cuſtody, your petitioner cauſed ſeveral applications to be made to him, to deliver ſuch proceedings to your petitioner; and at length obtained from him the ſaid firſt mentioned commiſsion, the counterparts of the bargain and ſale and aſſignment of the eſtate and effects of the ſaid bankrupt; but the commiſſioners named in the ſaid renewed commiſſion, finding that they could not with propriety act under the ſame, without having all the other proceedings under the ſaid firſt mentioned commiſſion before them, your petitioner applied again to the ſaid J. B. to deliver the ſame to your petitioner, but he refuſed ſo to do, pretending, that his bill on the aſſignees for ſoliciting the ſaid firſt mentioned commiſſion, had not been paid.

THAT

THAT your petitioner found, amongſt the papers of the ſaid C. G. deceaſed, the ſaid J. B's bill of fees for ſoliciting the ſaid firſt mentioned commiſſion, with the ſaid J. B's receipt for the amount, which is now in the poſſeſſion of your petitioner; and alſo the ſaid J. B's promiſſory note to the ſaid C. G. and R. C. for the ſum of pounds ſhillings; and it appears by the accounts of the ſaid C. G. that the ſaid J. B. is now conſiderably indebted to the eſtate of the ſaid bankrupt.

THAT your petitioner, on or about the day of 17 cauſed a notice in writing to be ſerved on the ſaid J. B. purporting, that if he did not deliver the proceedings under the ſaid firſt mentioned commiſſion to your petitioner, an application would be made to your Lordſhip, for an order upon him to deliver the ſame; and that he might pay the coſts of ſuch application; and your petitioner in ſuch notice informed the ſaid J. B. that your petitioner was willing to pay any juſt demand he had upon the ſaid late aſſignees, after giving credit for what the ſaid J. B. ſhould be found indebted to the ſaid bankrupt's eſtate.

THAT your petitioner hath, ſince the ſaid of laſt, cauſed repeated applications to be made to the ſaid J. B. for the ſaid proceedings, and the ſaid J. B. hath promiſed to deliver the ſame, but hath hitherto neglected ſo to do; and he now alledges that ſuch proceedings are miſlaid.

THAT the commiſſioners named in the renewed commiſſion cannot act under the ſame, not having the proceedings under the ſaid former commiſſion, and having no account of the debts proved under ſuch former commiſſion.

THAT your petitioner is deſirous that the ſaid renewed commiſſion ſhould be proceeded in, and that the money ſo appearing to be in the hands of the ſaid C. G. as aſſignee under the ſaid firſt mentioned commiſſion, be divided amongſt the creditors of the ſaid E. L. but in as much as the commiſſioners named in the ſaid renewed commiſſion cannot act under the ſame, without

without having the proceedings taken under the former commiſsion.

YOUR petitioner therefore moſt humbly prays, that your Lordſhip will be pleaſed to order, that the ſaid J. B. do deliver to your petitioner, upon oath, all the proceedings under the ſaid firſt mentioned commiſsion, now in his cuſtody, poſſeſsion, or power; your petitioner hereby offering to pay what if any thing ſhall appear to be due to the ſaid J. B. for his fees and diſburſements on account of the ſaid commiſsion; and that the ſaid J. B. may be ordered to pay your petitioner the coſts of this application; or that your Lordſhip will be pleaſed to make ſuch other order for the direction of the commiſsioners named in the ſaid renewed commiſsion, and your petitioner, as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petitino

Petition for ſolicitor to deliver up proceedings under a commiſſion.

In the matter of J. W. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of R. P. the ſurviving aſſignee of the eſtate and effects of J. W. late of a bankrupt;

Sheweth,

THAT on or about the month of 17 a commiſſion of bankrupt under the great ſeal of Great Britain, was awarded and iſſued againſt the ſaid J. W. who was thereupon, by the major part of the commiſſioners named in ſuch commiſſion, found and declared to be bankrupt, within the intent and meaning of the ſeveral ſtatutes made and in force concerning bankrupts; and H. B. and J. N. (both ſince deceaſed) together with your petitioner, were duly choſen and appointed aſſignees of the ſaid bankrupt's eſtate and effects.

THAT the ſaid H. B. and J. N. being both ſince deceaſed, your petitioner is become the ſurviving and only aſſignee of the ſaid bankrupt's eſtate and effects.

THAT your petitioner employed J. R. of ſtreet, gentleman, to act as the ſolicitor under the ſaid commiſſion; but your petitioner is become deſirous of changing his ſolicitor, and to employ another perſon to act as the ſolicitor under the ſame.

YOUR petitioner therefore humbly prays your Lordſhip, that the ſaid J. R. may be directed to deliver unto your petitioner, within ſuch time as your Lordſhip ſhall be pleaſed to order, the bill of fees and diſburſements claimed to be due to him the ſaid J. R. as ſolicitor for or on account of his having

ing acted under the said commission, to be signed by him; and that such bill, when delivered, may be referred to one of the masters of this hon. court, to be taxed, your petitioner hereby offering and submitting to pay unto the said J. R. whatever shall appear to be due or coming to him on the taxation of such his bill, and that the said J. R. may account before the master, upon oath, for all sums of money received by him from your petitioner, or any other person, on account of the said bankrupt's estate, or otherwise in relation thereto; and be directed to pay unto your petitioner what shall appear to be coming from him the said J. R. on the ballance of his account; and that upon payment to him the said J. R. of what shall appear to be due to him on the taxation of his said bill as aforesaid, he may be directed to deliver up unto your petitioner, or to the solicitor to be appointed by your petitioner, the said commission of bankrupt, the proceedings under the same, and all deeds, books, papers, and writings whatever, relating thereto, and to the said bankrupt's estate, in the custody or power of him the said J. R.

And your petitioner shall ever pray, &c.

Petition

Petition by the clerk to a commiſſion, for the aſſignees to pay the bill to the choice of aſſignees; and alſo the ſubſequent coſts taxed by the maſter.

In the matter of W. W. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN,

The humble Petition of S. B. clerk or ſolicitor to the commiſſion of bankrupt awarded and iſſued forth againſt the ſaid W. W.

Sheweth,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date at Weſtminſter the day of 17 and directed to J. C. and L. B. Eſqrs. and A. B. and E. B. gentlemen, was duly awarded and iſſued forth againſt the ſaid W. W. by the name and deſcription of W. W. of in the pariſh of in the county of paper-maker, upon the petition of R. S. of ſtreet, in the city of London, merchant, whereupon the ſaid W. W. was duly declared a bankrupt; and the ſaid R. S. and C. M. of in the county of aforeſaid, anchor ſmith, were duly choſen aſſignees of the eſtate and effects of the ſaid W. W. and an aſſignment thereof was made to them accordingly.

THAT your petitioner's bill of fees and diſburſements, up to the execution of the aſſignment, was taxed and allowed by the major part of the commiſſioners, at the ſum of pounds ſhillings and pence, and the ſaid R. S. and C. M. were directed by the ſaid commiſſioners, to pay your petitioner the ſaid ſum of money, out of the firſt effects of the ſaid bankrupt, that ſhould come to their hands; and that the bill of fees and diſburſements due to your petitioner, for buſineſs done by him reſpectively the ſaid commiſſion, ſubſequent to the execution of the ſaid aſſignment, hath been alſo taxed by H. Eſq. one of the maſters of this hon. court, and allowed at the ſum of pounds ſhillings and pence, which ſums together amount

to the ſum of pounds ſhillings and pence, and which now remains juſtly due and owing from the ſaid aſſignees to your petitioner.

THAT the ſaid R. S. and C. M. are poſſeſſed of more effects belonging to the ſaid bankrupt's eſtate, than will be ſufficient to pay and ſatisfy your petitioner's ſaid demands; but although your petitioner hath frequently called upon and requeſted them ſo to do, they both have hitherto wholly refuſed to ſatisfy your petitioner the ſame, or any part thereof.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that your Lordſhip will be pleaſed to order, the ſaid R. S. and C. M. aſſignees of the eſtate and effects of the ſaid W. W. as aforeſaid, forthwith to pay and diſcharge your petitioner's ſaid bills of fees and diſburſements, ſo taxed, and allowed at the ſaid ſum of pounds ſhillings and pence, as aforeſaid, together with the coſts of this application to your Lordſhip: or that your Lordſhip will make ſuch other order in the premiſes, as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition

Petition to tax ſolicitor's bill of fees.

In the matter of T. C. late of L. in the county of merchant, a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of T. S. and J. B. the younger, who with J. C. are the truſtees named in a ſettlement made on the marriage of the ſaid bankrupt, with his now wife A. C.

Sheweth,

THAT ſeveral diſputes having ariſen between the aſſignees of the ſaid T. C. and your petitioner, as truſtee under the ſaid ſettlement, reſpecting a claim made by your petitioners, as ſuch truſtees, to be admitted creditors under the ſaid commiſſion againſt the ſaid bankrupt, and your petitioners being under the neceſſity of applying to your Lordſhip, for an order to prove the ſum ſo claimed by them, your petitioners employed the ſaid J. C. and his partner H. B, ſolicitors in to obtain ſuch order, and to ſolicit and tranſact other buſineſs for your petitioners, as truſtees as aforeſaid,

THAT the ſaid Meſſrs. C. and B. have lately delivered in a bill of their fees and diſburſements, for the ſoliciting and tranſacting ſuch buſineſs, amounting to the ſum of pounds ſhillings.

THAT your petitioners are adviſed, that they, as truſtees, will not be warranted in paying ſuch bill, without the ſame is taxed and ſettled by one of the maſters of this hon. court.

YOUR petitioners therefore humbly pray, that the ſaid bill of fees and diſburſements, ſo delivered as aforeſaid, may be referred to one of the maſters of this hon. court, to tax and ſettle the ſame, your petitioners

petitioners hereby undertaking to pay what the ſaid maſter ſhall report to be due on the ſaid taxation.

And your petitioners ſhall ever pray, &c.

Petition of a bankrupt, to have his certificate allowed.

In the matter of P. G. M. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of the ſaid bankrupt;

Sheweth,

THAT on the day of 17 a commiſſion of bankrupt under the great ſeal of Great Britain, was awarded and iſſued againſt your petitioner, and he was, by the major part of the commiſſioners under the ſaid commiſſion, duly found and declared a bankrupt.

THAT the ſaid commiſſioners, on the day of laſt, duly certified to your Lordſhip, that your petitioner had in all things conformed himſelf thereto, and that a requiſite number of creditors had ſigned the certificate.

THAT on the day of laſt, T. A. late of the Eaſt Indies, but then of ſtreet ſquare, a creditor of your ſaid petitioner, preferred a petition to your Lordſhip, praying to be admitted to prove his debt under the commiſſion againſt your petitioner.

THAT the ſaid T. A. accordingly proved his debt under the ſaid commiſſion, which prevented your petitioner from obtaining his certificate.

THAT in order to counteract the ſaid petition of the ſaid T. A. ſeveral other creditors of your ſaid petitioner, on the day of laſt, preferred a petition to your Lordſhip, praying to be admitted to prove their debts, and to aſſent to or diſſent from the allowance

allowance of your petitioner's ſaid certificate; which your Lordſhip was pleaſed to order, and thereby referred the ſame back to the commiſſioners to be reviewed.

THAT in purſuance thereof, the ſaid laſt mentioned creditors did accordingly prove their reſpective debts, and ſigned the certificate.

THAT the ſaid commiſſioners have reviewed their ſaid certificate, and added a ſupplemental one thereto, wherein they have certified, that the creditors of your petitioner who petitioned your Lordſhip to come in and prove their debts, had ſo done, and had ſigned the ſaid certificate, who, with thoſe who had already ſigned, conſtituted 4-fifths in number and value of the creditors of your petitioner, whoſe debts were not leſs than

THAT another petition remains againſt the allowance of the ſaid certificate, preſented ever ſince the month of laſt, by A. M.

THAT your Lordſhip ordered the matter of the ſaid petition to be referred to the ſaid commiſſioners, and for them to report the ſame.

THAT on the month of laſt, the ſaid A. M. became a bankrupt, without having once called a meeting of the ſaid commiſſioners, and the aſſignees ſince his bankruptcy never having done ſo, your petitioner having depoſited ſecurities in the hands of the ſaid A. M. before his bankruptcy, ſufficient to diſcharge his debt due from your petitioner.

YOUR petitioner therefore humbly your Lordſhip, that the ſaid certificate may be allowed, your petitioner having conformed in all things to his bankruptcy.

And your petitioner ſhall ever pray, &c.

Petition

Another Petition of a bankrupt to have his certificate allowed.

In the matter of C. R. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of C. R. the bankrupt;

Sheweth,

THAT your petitioner conſidering himſelf as entitled to the reverſion in fee (after the death of his mother L. R. who was at that time living) of five cloſes of land called ſituate in the pariſh of in the county of and alſo that, at the deceaſe of the ſaid L. R. he would be poſſeſſed of or well intitled unto a certain leaſehold meſſuage and land called containing by eſtimation acres, and ſituate in the ſaid pariſh of under and by virtue of a leaſe thereof, for the term of two thouſand years, commencing from the feaſt of St. Michael the Archangel, in the forty-firſt year of the reign of her late Majeſty, Queen Elizabeth; and being at that time in great want of money, did ſometime in the year 17 apply to J. I. for the loan of and that the ſaid J. I. advanced the ſaid ſum of to your petitioner on the ſecurity of his ſaid reverſionary intereſt in the ſaid freehold and leaſehold premiſes, after the death of the ſaid L. R. and that in conſideration of ſuch ſecurity, the ſaid ſum of was lent and advanced by the ſaid J. I. to your petitioner.

THAT ſometime in the month of March your petitioner being again diſtreſſed for money, and conſidering himſelf (the ſaid L. R. being then dead) as ſeized in fee of the ſaid freehold, and well intitled unto the ſaid leaſehold premiſes, applied to J. T. for the loan of and agreed to ſecure the repayment of the ſaid ſum of with intereſt, by a mortgage of the ſaid freehold and leaſehold premiſes, to the ſaid J. T. and that the ſaid premiſes were accordingly demiſed by indenture, bearing date on or about the day of the ſaid month of March 17 by your petitioner to the ſaid J. T.

J. T. his executors, adminiſtrators and aſſignes, for the term of one thouſand years, ſubject to a proviſo for redemption, on the payment of the ſaid ſum of with intereſt, after the rate of five per cent. per annum, upon the then next enſuing.

THAT your petitioner at the time of making the aforeſaid ſecond mortgage, was perfectly unconſcious of any impropriety or miſconduct on his part in the ſaid tranſaction, as he then verily believed that the ſaid premiſes were fully ſufficient and adequate to pay and diſcharge both the ſaid principal ſums, there being at that time (as your petitioner was adviſed) ſome hundred pounds worth of timber growing thereon.

THAT on or about the day of 17 (the ſaid two principal ſums of and being then reſpectively undiſcharged, and ſome arrears of intereſt having alſo accrued and become due thereon) a commiſſion of bankrupt iſſued againſt your petitioner, who was accordingly found and declared a bankrupt.

THAT your petitioner having paſſed his final examination, and the certificate of his conformity having been accordingly ſigned by four-fifths in number and value of the creditors who had proved their debts under the ſaid commiſſion, and by the major part of the commiſſioners named therein, the ſame was advertiſed for your Lordſhip's allowance in the London Gazette, on the fifth day of October in the ſame year.

THAT the ſaid J. T. (not having proved the ſaid debt of with certain arrears of intereſt accruing thereon, under the ſaid commiſſion) on or about the day of the ſaid month, preſented a petition to your Lordſhip, and therein prayed that he the ſaid J. T. might be at liberty to go before the major part of the commiſſioners named in the ſaid commiſſion, and prove the ſaid ſum of and the intereſt thereof as a debt under the ſaid commiſſion, againſt the ſaid C. R. for the purpoſe of his aſſenting to or diſſenting from the allowance of the ſaid bankrupt's certificate, and that ſuch proof might be without prejudice to his ſaid mortgage, and to his right

to be paid a dividend or dividends out of the ſaid bankrupt's eſtate, in reſpect of the ſaid debt, in caſe he ſhould loſe the benefit of his ſaid mortgage by means of the ſaid prior mortgage to the ſaid J. I. and that in the mean time the allowance of your petitioner's certificate might be ſtayed.

THAT immediately after preſenting the ſaid petition to your Lordſhip, the ſaid J. T. filed his bill in chancery againſt the ſaid J. I. for the purpoſe of impeaching his ſaid mortgage, to which bill your petitioner together with T. S. W. A. and G. V. who had been duly choſen aſſignees of the eſtate and effects of your petitioner, and in whom alſo the fee ſimple of ſuch part of the ſaid mortgaged premiſes as were freehold, alſo veſted, were made parties.

THAT on or about the day of your Lordſhip was pleaſed to order and direct, on hearing counſel on both ſides, that the ſaid J. T. ſhould be allowed to prove the ſaid debt in the manner, for the purpoſes, with the ſavings as aforeſaid; and your Lordſhip was alſo pleaſed to order and direct, that the allowance of your petitioner's certificate ſhould be ſtayed.

THAT your petitioner being adviſed that he was very materially intereſted, in the ſpeedy determination of the ſaid ſuit ſo inſtituted in the ſaid court by the ſaid J. T. againſt the ſaid J. I. together with the ſaid T. S. W. A. G. V. and your petitioner put in an immediate full, and ſufficient anſwer to the ſaid bill, and that the ſaid T. S. W. A. and G. V. alſo fully and ſufficiently anſwered the ſame; but that no meaſures have been ſince taken by the plaintiff, the ſaid J. T. to bring the ſaid ſuit to a ſpeedy iſſue, although four terms have elapſed ſince the commencement thereof, by which delay your petitioner is much aggrieved and injured.

YOUR petitioner therefore moſt humbly prays your Lordſhip that his certificate, the allowance of which was ſtayed by your Lordſhip's order made the day of 17 be now allowed.

And your petitioner ſhall ever pray, &c.

Petition

Petition to ſtay the allowance of a bankrupt's certificate.

In the matter of T. F. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of H. A.

Sheweth,

THAT your petitioner many years ago, from a wiſh of ſerving the ſaid T. F. in his ſetting out in life, and eſtabliſhing himſelf in trade, became ſecurity for him in ſeveral bonds for ſums of money borrowed of various perſons,

THAT ſome of thoſe perſons ſome time afterwards requiring payment of their money, called upon your petitioner for the ſame, whereupon your petitioner did in the months of 17 pay them and the other perſons to whom he had become ſecurity as aforeſaid, their reſpective demands to the amount of

THAT the ſaid T. F. alſo became indebted to your petitioner in the ſum of upon bond.

THAT for the indemnifying your petitioner againſt the debts for which he had become ſecurity, the ſaid T. F. gave your petitioner a bond in the penalty of for the purpoſe of indemnifying your petitioner againſt the ſaid bonds ſo executed by your petitioner on behalf of the ſaid bankrupt; and alſo gave your petitioner a warrant of attorney to enter up judgment on the ſaid bond, upon which a judgment was accordingly entered in his majeſty's court of King's Bench.

THAT your petitioner after payment by him of the aforeſaid applied to the ſaid T. F. for repayment thereof, as well as of the ſaid ſum of ſo due to your petitioner as aforeſaid; whereupon he ſhewed and gave your petitioner a ſtate of his affairs, by which it was made to appear that he had more than ſufficient to pay all his creditors; but your petitioner ſuſpecting that the ſame was not a genuine ſtate of his affairs, inſiſted on payment of his money, and the ſaid T. F. not paying

the ſame after repeated promiſes by him ſo to do, your petitioner ſued out execution on the ſaid judgment, on or about the 17 and by virtue thereof, the ſheriff on the ſame day took the ſaid T. F.'s goods in execution.

THAT on the 17 a commiſſion of bankrupt iſſued againſt the ſaid T. F. and the meſſenger under the ſaid commiſſion, entered and claimed poſſeſſion of all the ſaid T. F.'s effects.

THAT your petitioner ſuſpecting the ſaid commiſſion ſo obtained was fraudulent, applied to the ſaid ſheriff to ſell the effects ſo taken under the ſaid execution, and the ſheriff on being indemnified by your petitioner, proceeded to a ſale thereof, and paid the produce thereof to your petitioner.

THAT the aſſignees under the ſaid commiſſion brought an action againſt the ſaid theriff for a recovery of the value of the ſaid effects, alledging that the ſaid T. F. had ſome time previous to the iſſuing of the ſaid commiſſion, and the ſaid execution, committed one or more acts of bankruptcy.

THAT the ſaid action came on to be tried at the ſitting after laſt Eaſter Term in the court of King's Bench, when a verdict was given for the ſaid aſſignees, by which they recovered the whole amount of the ſaid effects ſo ſold by the ſaid ſheriff.

THAT your petitioner relying on the validity of his ſaid execution, did not prove his debt under the ſaid commiſſion during any of the ſittings appointed in the London Gazette, and that ſince the ſaid verdict was ſo given, no meeting has been had to prove debts under the ſaid commiſſion.

THAT there is due to your petitioner and upwards, from the ſaid T. F.; that your petitioner is the principal creditor of the ſaid T. F. all his other debts not amounting, as your petitioner is informed and believes, to ſo much as your petitioner's debt.

THAT the commiſſioners under the ſaid commiſſion, have as your petitioner is informed, ſigned the

the certificate of the ſaid bankrupt's conformity; and the ſame has been advertiſed in the London Gazette to be allowed, unleſs cauſe ſhall be ſhewn againſt the ſame on or before the day of 17

THAT a dividend of the ſaid bankrupt's eſtate is advertiſed to be made on the day of next.

THAT your petitioner propoſes to prove his debt under the ſaid commiſſion on the ſaid day of or on ſuch other day, whereon a meeting of the commiſſioners under the ſame ſhall be held.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that the allowance of the ſaid bankrupt's certificate may be ſtayed until your petitioner ſhall have proved his ſaid debt; and that your petitioner may then have liberty to aſſent to, or diſſent from the ſame, or that your Lordſhip will be pleaſed to make ſuch other order therein as to your Lordſhip ſhall ſeem meet.

And your petitioner will ever pray, &c.

Petition of a ſeparate Creditor to ſtay the Certificate of one of the Bankrupts, under a joint Commiſſion.

In the matter of J. T. and J. R. bankrupts.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of H. B. of C.-ſtreet, London, merchant;

Sheweth,

THAT a joint commiſſion of bankrupt, under the great ſeal of Great Britain, hath been awarded and iſſued againſt the ſaid J. T. and J. R. by the names and deſcription of J. T. and J. R. of in the county of

of merchants and partners, and they have been thereupon found and declared bankrupts.

THAT previous to the iſſuing of the ſaid joint commiſſion of bankrupt againſt the ſaid J. T. and J. R. the ſaid J. T. was on his own ſeparate account indebted to your petitioner in the ſum of pounds ſhillings and pence.

THAT the ſaid J. T. hath, with the conſent of four-fifths in number and value of the creditors under the ſaid joint commiſſion ſo iſſued againſt him and the ſaid J. R. as aforeſaid, procured his certificate to be ſigned by the commiſſioners acting under the ſaid commiſſion, which now lays for your Lordſhip's allowance thereof; and in regard that your petitioner hath not been able to prove his debt due from the ſaid J. T. on his own ſeparate account, under the joint commiſſion againſt the ſaid J. T. and J. R. ſo as to enable him to aſſent to, or diſſent from the allowance of the ſaid certificate; although the ſaid J. T. is poſſeſſed on his own ſeparate account, of divers effects, independent of the partnerſhip with the ſaid J. R.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that he may be at liberty to prove his ſaid debt of due to your petitioner from the ſeparate eſtate of the ſaid J. T. under the joint commiſſion of bankrupt againſt the ſaid J. T. and J. R. and that your petitioner may be paid his dividends thereon out of the ſeparate eſtate of the ſaid J. T. ſo far as the ſame will extend; and for that purpoſe, that the aſſignees under the ſaid commiſſion may be directed to keep ſeparate accounts of the joint eſtate of the ſaid J. T. and J. R. and of the ſeparate eſtate of the ſaid J. T. and that your petitioner may be at liberty to aſſent to, or diſſent

diſſent from, the certificate of the ſaid J. T. under the ſaid commiſſion; and that your Lordſhip in the meantime would be pleaſed to ſtay your allowance thereof; and that the coſts of this application may be paid your petitioner out of the ſeparate eſtate of the ſaid J. T. and that your Lordſhip will be pleaſed to make ſuch further or other order in the premiſes as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition for Aſſignees under a joint Commiſſion to take ſeparate Accounts.

In the matter of H. R. and W. M. bankrupts.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN:

The humble Petition of C. T. of in the county of M. merchant, on behalf of himſelf and the reſt of the ſeparate creditors of the ſaid H. R. one of the ſaid bankrupts;

Sheweth,

THAT on or about the day of a joint commiſſion of bankrupt, under the great ſeal of Great Britain, was awarded and iſſued againſt them the ſaid H. R. and W. M. and on the ſame day a ſeparate commiſſion of bankrupt was alſo iſſued againſt the ſaid W. M. and the ſaid H. R. and W. M. jointly, and the ſaid W. M. alone, has thereupon reſpectively been declared bankrupts accordingly, by means whereof as well the joint eſtate and effects of the ſaid H. R. and W. M. as the ſeparate eſtate and effects of the ſaid H. R. have been ſeized and taken under the ſaid joint commiſſion, and upon the aſſignment thereof to the aſſignees to be choſen under the ſaid joint commiſſion, ſuch aſſignees will take the ſame without diſtinguiſhing or dividing the joint from the ſeparate effects of the ſaid H. R. to your petitioner's great detriment and oppreſſion,

THAT

THAT the ſaid H. R. was before the date and ſuing forth of the ſaid commiſsion, and ſtill is juſtly and truly ſeparately indebted unto your petitioner, and ſundry other perſons, in divers ſums of money, on his own ſeparate account, as well for goods ſold and delivered by them reſpectively to the ſaid H. R. as on ſeveral other accounts; and that the ſaid H. R. was at the time of the iſſuing of the ſaid commiſsion, poſſeſſed of, or otherwiſe intitled unto a very conſiderable perſonal eſtate in his own right; and your petitioner is adviſed that ſuch ſeparate eſtate is firſt liable to the payment of the ſeveral and reſpective ſeparate debts of the ſaid H. R.

THAT aſsignees of the eſtate and effects of the ſaid H. R. and W. M. have not yet been choſen under the ſaid joint commiſsion.

THAT under the ſeveral circumſtances of this caſe, your petitioner and other the ſeparate creditors of the ſaid H. R. cannot be admitted to prove their reſpective ſeparate debts under the ſaid joint commiſsion, ſo as to bind the ſeparate eſtate of the ſaid H. R. for the benefit of your petitioner, and the reſt of the ſeparate creditors of the ſaid H. R. without your Lordſhip's order for that purpoſe.

YOUR petitioner humbly prays That your Lordſhip will be pleaſed to order that your Petitioner and the reſt of the ſeparate creditors of the ſaid H. R. may be at liberty to go before the major part of the commiſsioners named in the ſaid joint commiſsion againſt the ſaid H. R. and W. M. and prove their ſeparate debts under the ſaid joint commiſsion; and that the ſaid commiſsioners may appoint a meeting for that purpoſe, and due notice thereof given in the London Gazette; and that after proving the ſame, they may be

be permitted to vote in the choice of one or more aſsignee or aſsignees of the ſaid bankrupt's eſtate and effects; and that the aſsignee or aſsignees when choſen, may take diſtinct accounts of the joint eſtate of the ſaid H.R. and W.M. and alſo of the ſeparate eſtate of the ſaid H. R. that ſhall come to their hands, under the ſaid joint commiſsion, or to the hands of any other perſon or perſons by his, their, or either of their order, or for his, their, or either of their uſe; diſtinguiſhing the ſaid ſeparate eſtate and the ſaid joint eſtate of the ſaid H. R. and W. M. from each other; and that what on the taking ſuch accounts ſhall be found to belong to the joint eſtate of the ſaid H. R. and W. M. may be applied by the ſaid aſſignee or aſsignees in the firſt place towards ſatisfaction of their joint creditors, and that, what upon the taking of the ſaid account ſhall be found to belong to the ſeparate eſtate of the ſaid H. R. may be applied by the ſaid aſſignee or aſſignees in the firſt place towards ſatisfaction of his ſeparate creditors, and in caſe there ſhall happen to be a ſurplus of the ſeparate eſtate of the ſaid H. R. after all his ſeparate creditors ſhall be fully paid and ſatisfied their whole demand, then that ſuch ſurplus may be carried to the account of the joint eſtate

of the ſaid H. R. and W. M. and be applied in ſatisfaction of their joint creditors, and in caſe there ſhall happen to be a ſurplus of the joint eſtate of the ſaid H. R. and W. M. after all their joint creditors ſhall be fully paid and ſatisfied their whole demand; then that ſuch ſurplus may be divided into moieties, and that one moiety thereof be carried to the account of the ſeparate eſtate of the ſaid H. R. and be applied in ſatisfaction of his ſeparate creditors; and that your petitioner and other the ſeparate creditors of the ſaid H. R. may be at liberty to aſſent to, or diſſent from the allowance of the ſeparate certificate of the ſaid H. R. and that the coſts of this application may be paid to your petitioner by the aſſignee or aſſignees, when choſen under the ſaid joint commiſſion out of the ſeparate eſtate of the ſaid H. R. or that your Lordſhip will be pleaſed to make ſuch further or other order in the premiſes as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petitio

Petition for creditors to prove their ſeparate debts, under a joint commiſſion.

In the matter of M. S. and J. S. bankrupts.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of E. T. and W. T. of ſtreet, London, wine merchants; on behalf of themſelves, and the reſt of the ſeparate creditors of the ſaid J. S.

Sheweth,

THAT on or about the day of inſt. a joint commiſsion of bankrupt, under the great ſeal of Great Britain, was awarded and iſſued againſt the ſaid M. S. and J. S. by the name and deſcription of M. S. and J. S. of ſtreet, London, pewterers and copartners, and they were thereupon found and declared bankrupts, and their eſtate and effects, as well joint as ſeparate, have been aſſigned by the major part of the commiſsioners acting under the ſaid commiſſion, to D. C. of ſtreet, London, gentleman, as the proviſional aſſignee thereof, who hath poſſeſſed himſelf as well of the ſeparate eſtates of the ſaid bankrupts, as of their joint eſtate, without diſtinguiſhing or dividing the joint effects from the ſeparate eſtates of the ſaid bankrupts.

THAT the ſecond meeting of the commiſſioners under the ſaid commiſſion, for the choice of aſſignees of the ſaid bankrupt's eſtate and effects, is appointed to be held at Guildhall, London, on the day of inſt.

THAT the ſaid J. S. was, at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted unto your petitioner, in the ſum of for goods ſold and delivered by your petitioners to the ſaid J. S.

THAT the ſaid J. S. was, at the time of iſſuing the ſaid commiſſion, ſeiſed and poſſeſſed of, or otherwiſe well entitled unto, a very conſiderable perſonal eſtate, in

his own right, which, as your petitioners are adviſed, is in the firſt place, ſubject and liable to the payment and diſcharge of the ſeparate debts of the ſaid J. S.

THAT your petitioners, and the other ſeparate creditors of the ſaid J. S. cannot be admitted to prove their ſeveral and reſpective ſeparate debts under the ſaid commiſſion, ſo as to bind the ſeparate eſtate of the ſaid J. S. for the benefit of your petitioners, and the reſt of the ſeparate creditors of the ſaid J. S. without your Lordſhip's order in that behalf.

YOUR petitioners therefore moſt humbly pray, that your Lordſhip will be pleaſed to order, that your petitioners, and the reſt of the ſeparate creditors of the ſaid J. S. may be at liberty to prove their ſeveral and reſpective debts under the ſaid joint commiſſion, and that they may be at liberty to aſſent to, or diſſent from, the allowance of the certificate of the ſaid J. S. and that it may be referred to the major part of the commiſſioners named in and authoriſed by the ſaid commiſſion, to take a diſtinct account of the ſeparate eſtate of the ſaid J. S. for the benefit of your petitioners, and the reſt of his ſeparate creditors; and that the coſts of this application, and of taking ſuch account, may be paid out of the ſaid ſeparate eſtate; or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes, for the relief of your petitioners, and the reſt of the ſeparate creditors of the ſaid J. S. as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition

Petition for ſeparate creditors to prove their ſeveral and reſpective debts, under a joint commiſſion.

In the matter of W. D. and H. B. bankrupts.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of J. L. and J. F. aſſignees of the ſaid bankrupts, on behalf of themſelves and the reſt of the ſeparate creditors of the ſaid W. D. and H. B. reſpectively;

Sheweth,

THAT on or about the day of 17 a joint commiſſion of bankrupt, under the great ſeal of Great Britain, was awarded and iſſued againſt the ſaid W. D. and H. B. late of in the city of London, printſellers, and partners, dealers and chapmen, and they were thereupon declared bankrupts accordingly, and their eſtates and effects, as well joint as ſeparate, have been aſſigned to your petitioners, as aſſignees duly choſen under the ſaid commiſſion, without diſtinguiſhing or dividing the joint effects, from the reſpective ſeparate eſtates and effects of the ſaid bankrupts.

THAT the ſaid W. D. and H. B. againſt whom the ſaid joint commiſſion was ſo awarded and iſſued, were, before the date and ſuing forth of the ſaid commiſſion, and ſtill are, juſtly and truly indebted to your petitioners reſpectively, and others, (as your petitioners are informed and believe) on the ſaid bankrupts' reſpective ſeparate accounts, in large ſums of money, as well for monies lent and advanced to the ſaid W. D. and H. B. reſpectively, by your petitioners, as on other accounts.

THAT the ſaid bankrupts, at the time of iſſuing the ſaid commiſſion, were reſpectively poſſeſſed of, or otherwiſe entitled unto, perſonal property in their own right; and your petitioners are adviſed, that ſuch reſpective ſeparate eſtates are firſt liable to the payment of the ſeveral and reſpective ſeparate debts of the ſaid bankrupts, reſpectively.

THAT

THAT on or about the day of inſt. the ſaid joint commiſſion was renewed, upon the petition of your petitioners, as aſſignees as aforeſaid, for the reaſons in the ſaid petition mentioned.

THAT your petitioners, as aſſignees as aforeſaid, have poſſeſſed themſelves, not only of the reſpective ſeparate eſtates and effects of the ſaid bankrupts, but alſo of the joint and partnerſhip eſtate and effects of the ſaid bankrupts.

THAT your petitioners, as aſſignees as aforeſaid, being willing and deſirous to make a fair and equal diſtribution, as well of the ſaid joint effects, as of the ſaid ſeparate effects of the ſaid bankrupts reſpectively, and as your petitioners, and the other ſeparate creditors of the ſaid bankrupts, under the circumſtances of this caſe, cannot be admitted to prove their ſeveral and reſpective ſeparate debts, under the joint commiſſion, ſo as to bind the reſpective ſeparate eſtates of the ſaid bankrupts, for the benefit of your petitioners, and the reſt of the ſeparate creditors of the ſaid bankrupts; nor can your petitioners, as aſſignees as aforeſaid, ſafely and legally marſhall the ſaid reſpective ſeparate eſtates, without your Lordſhip's order for that purpoſe.

YOUR petitioners therefore moſt humbly pray your Lordſhip would be pleaſed to order, that your petitioners, and the reſt of the reſpective creditors of the ſaid bankrupts, may be at liberty to prove their ſeveral and reſpective ſeparate debts, under the ſaid joint commiſſion againſt the ſaid bankrupts reſpectively, and that it may be referred to the major part of the commiſſioners named and authoriſed in and by the ſaid joint renewed commiſſion, to take your petitioners' diſtinct accounts of the joint and ſeparate eſtates of the ſaid

ſaid bankrupts reſpectively, for the benefit of their ſaid joint and ſeveral and reſpective ſeparate creditors; and that the joint eſtate of the ſaid bankrupts may be applied amongſt the joint creditors in a rateable manner, and the reſpective ſeparate eſtates of the ſaid bankrupts, amongſt the reſpective ſeparate creditors in like manner, agreeable to the uſual order made in ſuch caſes; and that your petitioners may be at liberty to retain in their hands, as well the coſts of this application, as of taking the ſaid reſpective ſeparate accounts, out of the reſpective ſeparate eſtates of the ſaid bankrupts: or that your Lordſhip would be pleaſed to make ſuch other order in the premiſes, for the relief of your petitioners, as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition with exceptions to a maſter's report.

In the matter of S. B. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of D. N. of the Borough of S. in the County of S. lighterman;

Sheweth,

THAT your petitioner hath lately filed exceptions to the report of W. G. Eſq. one of the maſters of this honorable court made in the above matter, bearing date

date the day of and S. M. the petitioner in this matter having preferred a petition to your Lordſhip to confirm ſuch report,

YOUR petitioner therefore moſt humbly prays your Lordſhip to order the ſaid exceptions to be ſet down to be argued before your Lordſhip on the next day of petitions, and at the time of the hearing of the ſaid petition of the ſaid S. M. to confirm the ſaid report as aforeſaid,

And your petitioner ſhall ever pray, &c.

In the matter of S. B. a bankrupt.

EXCEPTIONS *taken by D. N. to the report of W. G. Eſq. one of the maſters of the high court of Chancery, bearing date the day of 17 to whom this matter was referred by virtue of an order of the ſaid court bearing date the day of 17 on the hearing of the petition of S. M. in this matter,*

FIRST, for that the ſaid maſter hath in and by his report, certified that he does not find any ſum of money to have been bona fide due to the ſaid D. N. from the ſaid S. B. the bankrupt, at the time of the date and ſuing forth the commiſſion of bankrupt againſt the ſaid S. B.---*Whereas* the ſaid maſter ought to have found that the ſum of was bona fide due to the ſaid D. N. from the ſaid S. B. at the time of the date and ſuing forth the ſaid commiſſion of bankrupt againſt the ſaid S. B.

In all which particulars the ſaid D. N. excepts of the ſaid maſter's report, and prays that he may review and alter the ſame.

Another

Another Petition with exceptions to a Maſter's report.

In the matter of P. and R. bankrupts.

To the Right Hon. the LORD HIGH CHANCELLOR.

The humble Petition of P. M. W. B. M. P. and T. S. the ſurviving aſſignees of the eſtate and effects of E. R. a bankrupt;

Sheweth,

THAT by a certain order made in this matter by the late lords commiſſioners for the cuſtody of the great ſeal of Great Britain, bearing date the day of 17 it was referred to Mr. one of the maſters of the high court of Chancery, to take an account of all dealings and tranſactions between the ſaid P. and R. and the ſaid E. R. and of all money really and *bona fide*, lent, paid and advanced by the ſaid P. and R. to and for the uſe of the ſaid E. R. and alſo, of all money, ſecurities for money and goods had and received by the ſaid P. and R. or by any other perſon or perſons by their, or either of their order, or for their, or either of their uſe from the ſaid E. R.

THAT in purſuance of the ſaid order, the ſaid maſter hath been attended by the ſolicitor, for the aſſignees of the eſtate and effects of the ſaid P. and R. and alſo by the ſolicitor for your petitioners, and has proceeded to take the accounts by the ſaid order of reference directed to be taken, and did prepare a draft of his report, to which your petitioner did object.

FOR THAT the ſaid maſter hath in his ſaid report, allowed ſeveral ſums therein mentioned to have been paid by the ſaid P. and R. to W. J. W. and M. B. in the ſaid report alſo mentioned, amounting together to the ſum of to be ſet off againſt a certain judgment entered up by your petitioners againſt the aſſignees of the ſaid P. and R. for the ſum of

THAT the ſaid maſter notwithſtanding ſuch objections ſo made and laid before him, on the behalf of your petitioners as aforeſaid, hath ſigned his report, bearing date the day of 17 without paying any regard thereto.

THAT your petitioners are adviſed and humbly ſubmit it to your Lordſhip's judgment, that the ſaid maſter ought not to have allowed the ſaid ſeveral ſums above mentioned, or either of them to be ſet off in ſuch manner as he hath ſet off the ſame, in the ſchedule to his report thereof; your petitioners except to the ſaid maſter's report, in the particulars above mentioned, and pray that the ſame may in that reſpect be ſet aſide or rectified.

YOUR petitioners therefore humbly pray that the above exceptions taken to the ſaid report by them, may come on to be argued before your Lordſhip, and that your Lordſhip will be pleaſed to appoint a day for that purpoſe; or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition for money to be placed in the Bank, in truſt.

In the matter of A. S. the elder, a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of A. S. the younger, the only ſurviving ſon of the ſaid bankrupt, an infant, under the age of 21 years, that is to ſay, of the age of 17 years, or thereabouts, by J. O. his next friend;

Sheweth,

THAT your petitioner, by his next friend, did, on the day of 17 prefer his petition to your Lordſhip, thereby ſhewing, that C. O. late of in

in the county of gentleman, deceaſed, did, by his laſt will and teſtament in writing, bearing date the day of 17 diſpoſe of his perſonal eſtate and effects, which amounted to a conſiderable ſum, after payment of all his juſt debts, legacies, and funeral expences, and he did, by his ſaid will, give and bequeath, in the words and to the purport and effect following: (that is to ſay,) "I leave to C. and J. and A. S——s, jun. the ſons of A. S. of "ſtreet, pounds each, the intereſt to be added "to the principal yearly, till they ſhall reſpectively at-"tain the age of 21 years; and in caſe one ſhould die "before that age, to the ſurvivor: I give and bequeath "unto my brother J. O. and A. S. ſenior, and the ſur-"vivor of them, his heirs, executors, and adminiſtra-"tors, upon the ſeveral truſts herein after mentioned, "viz. upon truſt, that they the ſaid truſtees, or the ſur-"vivor of them, his heirs, executors, or adminiſtrators, "do, and ſhall, as ſoon as conveniently may be after my "deceaſe, put and place out at intereſt, in ſome of the "public funds, or government, or other good and ſuf-"ficient ſecurities all thoſe legacies that are not yet "become due; and I do hereby nominate, conſtitute, "and appoint the ſaid J. O. and A. S. joint executors "and reſiduary legatees of this my will."

THAT the ſaid petitioner did alſo ſhew, that the ſaid teſtator departed this life on or about the day of 17 without altering or revoking his ſaid will; and that the ſaid executors therein named did, ſoon after the deceaſe of the ſaid teſtator, duly prove the ſaid will, in the prerogative court of the archbiſhop of Canterbury, and by virtue of the probate of the ſaid will of the ſaid A. S. poſſeſſed himſelf of aſſets of the ſaid teſtator, more than ſufficient to pay and ſatisfy all his juſt debts, legacies, and funeral expences; and alſo, that the ſaid C. S. and J. S. your petitioner's brothers, were both of them living at the time of the death of the ſaid teſtator, but the ſaid C. S. departed this life on or about the day of 17 an infant under the age of 21 years, that is to ſay, of the age of years, or there-

abouts; and that the ſaid J. S. departed this life on or about the day of 17 an infant, under the age of 21 years, that is to ſay, of the age of years, or thereabouts; whereby your petitioner, as ſurviving his ſaid two brothers, who died under the age of 21 did become well entitled to the ſaid legacies of pounds and pounds, given to them in manner aforeſaid, together with intereſt thereon; and alſo to the ſaid ſum of pounds, ſo given to your petitioner as aforeſaid, together with intereſt thereon, to be computed from one year after the death of the ſaid teſtator.

THAT the ſaid petition did alſo ſhew, that no part of the ſaid legacies, or either of them, was by the executors of the ſaid teſtator, veſted in any government or other ſecurities, in ſuch manner as is directed by the will of the ſaid teſtator; and alſo, that a commiſſion of bankrupt was awarded and iſſued againſt the ſaid A. S. the elder, on or about the day of 17 directed to certain commiſſioners therein named, the major part of whom duly found and declared the ſaid A. S. a bankrupt; and that the ſaid bankrupt did, on or about the day of 17 at the firſt ſitting under the ſaid commiſſion, ſurrender himſelf to the major part of the commiſſioners in the ſaid commiſſion named; and being examined by the ſaid commiſſioners, he did admit and acknowledge, that he had then before received aſſetts of the ſaid teſtator, more than ſufficient to pay and ſatisfy his juſt debts, legacies, and funeral expences; and particularly, that he had received of the ſaid J. O. his co-executor, the whole of the ſaid ſum of pounds, for the purpoſe of inveſting the ſame in ſuch manner as was directed by the ſaid teſtator's will, for ſecuring the legacies given thereby, to which your petitioner, by ſurvivorſhip, was then become entitled; and that application was made to the ſaid commiſſioners, that proof ſhould be made of the amount of the ſaid principal ſum, and intereſt, under the ſaid commiſſion, for the benefit of your petitioner; and that the ſaid commiſſioners refuſed admitting ſuch proof, without your Lordſhip's order being firſt obtained for that purpoſe.

THAT

THAT your petitioner therefore prayed, that your Lordſhip would be pleaſed to order and direct, that the ſaid J. O. might be at liberty, as truſtee for your petitioner, to prove the ſaid ſum of pounds, together with intereſt thereon, at and after the rate of pounds per cent. per ann. to be computed from one year after the death of the ſaid teſtator, until the date of the ſaid commiſſion, and that he might vote in the choice of aſſignees in reſpect thereof, and receive a dividend thereon rateably and in proportion with the reſt of the creditors of the ſaid bankrupt, who ſhould come in and ſeek relief under the ſaid commiſſion, ſuch proof to be made without prejudice to any claim or demand which your petitioner might have on the ſaid J. O. touching the premiſes; and that ſuch ſums of money as ſhould be received of the dividend or dividends, on the ſums ſo proved by the ſaid J. O. might be paid into the bank, in the name and with the privity of the accountant general of the court of chancery, to be placed to the credit of your petitioners' account, ſubject to your Lordſhip's further order, and for general relief.

THAT the ſaid petition coming on to be heard before your Lordſhip, on or about the day of 17 your Lordſhip was pleaſed to order, that your petitioner, or J. O. his guardian, ſhould be at liberty to go before the major part of the commiſſioners, named in the commiſſion of bankrupt iſſued againſt the ſaid A. S. the elder, to prove the debt, and intereſt due thereon, in the ſaid petition mentioned, and ſhould be admitted a creditor under the ſaid commiſſion, for what he ſhould ſo prove, and be paid a dividend or dividends in reſpect thereof, rateably and in equal proportion with the reſt of the ſaid bankrupt's creditors, ſeeking relief under the ſaid commiſſion; but ſuch proof was to be made without prejudice to any demand the ſaid A. S. the younger, might have on the ſaid J. O. and without prejudice to any claim the aſſignees of A. S. the elder, might have on the eſtate of C. O. the teſtator; and your Lordſhip alſo ordered, that the ſaid J. O. ſhould pay into

into the bank, in the name and with the privity of the accountant general of the court of chancery, to be placed to the credit of your petitioner, all and every dividend and dividends which ſhould from time to time accrue due, and be received by the ſaid J. O. in reſpect of the ſaid debt, ſubject to your Lordſhip's further order.

THAT the aſſignees of the eſtate and effects of the ſaid A. S. the elder, did, on the day of 17 prefer their petition to your Lordſhip, thereby ſhewing, that being adviſed that upon the death of the ſaid C. S. under the age of years, the ſaid legacy of pounds, ſo given by the will of the ſaid teſtator C. O. became deviſeable between the ſaid J. S. and A. S. his brothers, equally between them; but that upon the death of the ſaid J. S. who alſo died an infant, under the age of years, the ſaid petitioners were alſo adviſed, that his intereſt in the ſum of pounds, the moiety of the ſaid pounds, legacy given to his brother C. S. to which he was entitled as having ſurvived him, did not ſurvive to the ſaid A. S. the younger, the only ſurviving brother, but that the ſame became well veſted in the ſaid A. S. the father, as the adminiſtrator of his ſaid ſon, J. S.

THAT the ſaid petition therefore prayed, that your Lordſhip would order and direct, that ſo much of the dividends as ſhould be paid into the bank, by virtue of your Lordſhip's order made on the petition of your petitioner as aforeſaid, as ſhould ariſe or become due or payable, in reſpect of the ſum of pounds, the moiety of the ſaid legacy of pounds, which was given to the ſaid C. S. by the will of the ſaid teſtator, be paid to the ſaid aſſignees, of the eſtate and effects of ſaid A. S. the bankrupt, for the benefit of themſelves, and the reſt of the creditors of the ſaid bankrupt, who already have or ſhould in due time come in and ſeek relief under the ſaid commiſſion: or that your Lordſhip would be pleaſed to make ſuch other order in the premiſes, as to your Lordſhip ſhould ſeem meet.

THAT

THAT the ſaid petition coming on to be heard before your Lordſhip, on or about the day of 17 your Lordſhip was pleaſed to order, that the ſaid aſſignees ſhould pay the dividends which already have or ſhould become due on the ſum of pounds, in the ſaid petition mentioned, into the bank, in the name and with the privity of the accountant general of the court of chancery, to be placed to the credit of this matter, ſubject to your Lordſhip's further order, inſtead of the payment thereof to the ſaid J. O. as directed by your Lordſhip's order made in this matter on the day of 17

THAT in purſuance of your Lordſhip's order of the day of 17 the ſaid aſſignees paid into the bank the ſum of pounds ſhillings and pence, which ſaid laſt ſum was in purſuance of your Lordſhip's order of the of May laſt, laid out in purchaſe of pounds ſhillings, and pence, 3 per cent. conſol. bank annuities.

THAT in purſuance of your Lordſhip's ſaid order of 17 the ſaid aſſignees paid into the bank the further ſum of pounds ſhillings and pence; and as it will be for the benefit of all parties to have the ſaid ſum of pounds ſhillings and pence, caſh in the bank, laid out in the purchaſe of bank 3 per cent. conſol. annuities, as alſo all ſuch further and other ſum or ſums of money as ſhall or may be paid into the bank, in purſuance of your Lordſhip's laſt mentioned order.

YOUR petitioner therefore moſt humbly prays, That your Lordſhip would be pleaſed to order and direct, that the ſaid ſum of pounds ſhillings and pence, caſh, in the bank, ſtanding in the ſaid accountant general's name, placed to the credit of this matter, and alſo all ſuch further and other ſum or ſums of money as ſhall or may

may be paid into the bank, in purſuance of your Lordſhip's order of 17 may be laid out in the purchaſe of bank 3 per cent. annuities, in the name and with the privity of the ſaid accountant general, in truſt in this matter; and that the ſaid accountant general may declare the truſt thereof accordingly, ſubject to your Lordſhip's further order; and that the ſaid accountant general may draw on the bank according to the form preſcribed by the act of parliament for the relief of the ſuitors of this honourable court, and the general rules and orders in that caſe made and provided.

And your petitioner will ever pray, &c.

Petition of a bankrupt to finiſh his laſt examination after the time appointed, the commiſſioners not having attended to take the examination.

In the matter of T. W. bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of the ſaid T. W. bankrupt;

Sheweth,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date at Weſtminſter, the day of laſt, upon the petition of J. P. of in the county of yeoman, was awarded and iſſued againſt your petitioner, by the name and deſcription of T. W. of in the county of money ſcrivener, dealer and chapman, which commiſſion was directed

rected to E. G. and G. P. H. Eſqrs. and T. K. W. L. and J. M. K. gentlemen, commiſſioners to execute the ſame.

THAT your petitioner hath been duly declared bankrupt by the major part of the ſaid commiſſioners in and by the ſaid commiſſion, named and authoriſed, and by ſummons under their hands, and alſo by notice in the London Gazette, of Saturday the day of 17 was required to ſurrender himſelf to the ſaid commiſſioners, or the major part of them at the Dolphin Inn, in in the ſaid county of to be examined by them on the day of the ſaid month of and the day of the month of laſt reſpectively, at ten of the clock in the forenoon, on each of the ſaid days, touching the diſcloſure and diſcovery of his eſtate and effects, and on the day of laſt, your petitioner was by ſuch ſummons and notice required to finiſh his examination under the ſaid commiſſion.

THAT your petitioner did ſurrender himſelf to the ſaid commiſſioners, on the ſaid day of laſt, and ſubmitted to be examined, touching the diſcloſure and diſcovery of his eſtate and effects, and to conform himſelf to the ſeveral acts of parliament, made and now in force concerning bankrupts.

THAT your petitioner did attend at the Dolphin Inn, in aforeſaid, on the ſaid day of inſtant to ſurrender; and was ready to ſurrender himſelf to the major part of the commiſſioners in the ſaid commiſſion, named and authoriſed, to make a full diſcloſure and diſcovery of his eſtate and effects, but one of the ſaid commiſſioners in the ſaid commiſſion named, being a creditor of your petitioner, ſo that he cannot, and did or does not chuſe to act as a commiſſioner, and two others of the ſaid commiſſioners (that is to ſay) the ſaid E. G. and J. K. being on a journey, and could not be had in due time to take ſuch examination which was unknown to your petitioner, until the ſaid day of inſtant, it becomes neceſſary for your petitioner to

have another meeting fixed and appointed for that purpoſe.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that you would be pleaſed forthwith to appoint another meeting at the Dolphin Inn, in aforeſaid, for your petitioner to appear and ſurrender himſelf before the ſaid commiſſioners in the ſaid commiſſion named, or the major part of them, to make a full diſcloſure and diſcovery of his eſtate and effects, and alſo to finiſh his laſt examination under the ſaid commiſſion; and to order the ſaid commiſſioners to cauſe due notice of ſuch meeting to be given in the London Gazette, that ſuch of your petitioner's creditors as ſhall think proper, may be preſent at your petitioner's laſt examination; or that your Lordſhip will be pleaſed to make ſuch order in this matter for your petitioner's relief as to your Lordſhip ſhall ſeem meet.

And your petitioner (as in duty bound) ſhall ever pray, dated the day of in the year of our Lord 17

Bankrupt's examination, after time, being in the Fleet Priſon.

In the matter of R. C. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of the ſaid bankrupt;

Sheweth,

THAT a commiſſion of bankrupt, bearing date at Weſtminſter the 3d day of May 17 was awarded

ed and iſſued againſt your petitioner, by the name and deſcription of R. C. late of in the county of tallow-chandler, ſoap boiler, dealer and chapman, on the application of T. P. of the city of gentleman, one of your petitioner's creditors, directed to commiſsioners therein named, the major-part of whom having met together in the city of ſoon after the iſſuing of the ſaid commiſsion, declared your petitioner a bankrupt, and R. S. gentleman, is the ſole aſsignee under the ſaid commiſsion.

THAT by the commiſsioners' ſummons, and alſo by a notice inſerted in the London Gazette of Tueſday the day of 17 your petitioner finds he was required to ſurrender himſelf before the major part of the commiſsioners acting under the ſaid commiſsion on the twenty-fifth and twenty-ſixth days of the ſaid month of May, at the houſe of Eleanor Morris, widow, being the Pheaſant Inn in Silver-ſtreet, in the city of in order to be examined, touching the diſcloſure and diſcovery of his eſtate and effects, and on the twenty-firſt day of June then next following; your petitioner was by ſuch ſummons and notice to attend the ſaid commiſſioners, at the ſame place, to finiſh his examination under the ſaid commiſſion.

THAT ſuch commiſſion of bankrupt was ſo taken out againſt your petitioner without his knowledge or privity; and that in the month of laſt, your petitioner was arreſted in the court of common pleas, at the ſuit of S. K. a creditor of your petitioner, for pounds or there-abouts, to which action ſpecial bail, was filed.

THAT on the day of laſt, your petitioner was committed to the Fleet-priſon, in diſcharge of his bail in the ſaid action, by the honourable Mr. Juſtice and your petitioner has ever ſince remained and ſtill is a priſoner in the ſaid priſon, charged with the ſaid action.

THAT about a week or ten days after your petitioner's ſaid impriſonment, he received a letter from his wife, informing him of the ſaid commiſſion of bank-

rupt, and which was the firſt information he received of the ſaid commiſſion having iſſued; but your petitioner could not come out of the ſaid priſon to attend the commiſſioners on the ſaid commiſſion at either of their ſaid meetings; nor did the ſaid commiſſioners or any perſon concerned under the ſaid commiſſion, ſend any warrant or order to the warden of the Fleet, requiring your petitioner's attendance, although your petitioner has been, and is willing, and deſirous to ſurrender himſelf, and to be examined, and to make a full and true diſcovery of his eſtate and effects under the ſaid commiſſion.

YOUR petitioner therefore moſt humbly prays your Lordſhip to order the major part of the commiſſioners named in the ſaid commiſſion, forthwith to appoint one or more meetings for your petitioner, to appear and ſurrender himſelf before them, and to make a full diſcloſure and diſcovery of his eſtate and effects, and finiſh his examination under the ſaid commiſſion; and that your Lordſhip will alſo be pleaſed to order that the ſaid commiſſioners may cauſe your petitioner to be brought before them, for that purpoſe; and that your Lordſhip would be pleaſed to direct the commiſſioners to enter among their proceedings an account of the cauſe which prevented your petitioner from ſurrendering himſelf, and finiſhing his examination, within the time aforeſaid, or that ſuch other order may be made in this matter for your petitioner's relief, as to your Lordſhip ſhall ſeem meet.

And your petitioner will ever pray, &c.

Petition

Petition for bankrupt's examination to be taken after the time limited, on account of his being abroad, at the time of the iſſuing the commiſſion.

In the matter of J. W. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of the ſaid J. W.

Sheweth,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date at Weſtminſter the day of laſt, upon the petition of T. L. of in the city of L. warehouſe-keeper, was awarded and iſſued againſt your petitioner, which commiſſion was directed to Ed. K.---T. S.---E. B.---W. P.---Eſquires,--- and D. K. gentleman, as commiſſioners to execute the ſame.

THAT your petitioner hath been declared a bankrupt by the major part of the ſaid commiſſioners, acting under the ſaid commiſſion, and by ſummons under their hands, and alſo by notice in the London Gazette, on Saturday the day of laſt, was required to ſurrender himſelf to the ſaid commiſſioners, or the major part of them, at Guildhall, London, to be examined by them on the and days of and day of laſt, reſpectively, at of the clock in the forenoon, on each of the ſaid days, touching the diſcloſure and diſcovery of his eſtate and effects; and on the ſaid day of laſt, your petitioner was by ſuch ſummons required, to finiſh his examination under the ſaid commiſſion.

THAT your petitioner being at the time of the iſſuing of the ſaid commiſſion upon his paſſage to New-York, in North America, to which place he was going for the purpoſe of collecting in various large ſums of money due to him from perſons reſident there, he was totally ignorant of the ſaid commiſſion having iſſued againſt him, and therefore could not finiſh his examination in the time limited for that purpoſe; and the ſaid T. L. and

and J. D, the younger, C. M. and J. S. having been duly choſen aſsignees of your petitioner's eſtate, they on the day of laſt, preferred their petition to your Lordſhip, and obtained an order thereon for forty-nine days to be computed from the day of for your petitioner to ſurrender himſelf, and finiſh his examination.

THAT your petitioner never heard of any commiſsion of bankrupt having iſſued againſt him, till the day of laſt, being the time of the arrival of the packet which ſailed from the port of Falmouth, in laſt, when he received notice of the ſaid commiſsion having iſſued, and for your petitioner to ſurrender himſelf within the time aforeſaid; but the ſaid notice not having reached your petitioner till the ſaid day of it hath not been in his power to compleat his examination within the time limitted by the ſaid order.

THAT your petitioner, during the time he was at New-York uſed his beſt endeavours for collecting in his debts, for the benefit and advantage of his creditors; and ſet out on his return from New-York, aforeſaid, to L. two days after he received notice of the ſaid commiſsion having iſſued againſt him, having firſt aſsigned to a truſtee who acted as attorney or agent for ſeveral of your petitioner's creditors in America, all his outſtanding claims in America, for the benefit of all his creditors; and is now arrived in England for the purpoſe of compleating his examination.

YOUR petitioner therefore moſt humbly prays your Lordſhip would be pleaſed to order the major part of the commiſſioners named in the ſaid commiſſion, forth-with to appoint a time and place for your petitioner to appear and ſurrender himſelf before them, to make a full diſcloſure and diſcovery of his eſtate and effects, and finiſh his examination under the ſaid commiſsion; and that the ſaid com-

commiſsioners cauſe due notice of ſuch meeting to be given in the London Gazette, that ſuch of your petitioner's creditors as ſhall think proper, may be preſent at your petitioner's examination; and that the ſaid commiſsioner's may enter on the proceedings had and taken under the ſaid commiſsion, an account of the cauſe which prevented your petitioner from ſurrendering himſelf, and finiſhing his examination within the time limited for that purpoſe; or that your Lordſhip will be pleaſed to make ſuch other order for the relief of your petitioner, as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Petition to ſell an eſtate, and make a dividend.

In the matter of T. S. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of J. B. of ſtreet, in the pariſh of in the county of M. gentleman, ſole executor under the laſt will and teſtament of E. H. widow, one of the creditors of the ſaid bankrupt, on behalf of himſelf and the reſt of the creditors of the ſaid bankrupt;

Sheweth,

THAT a commiſsion of bankrupt under the great ſeal of Great Britain, was duly awarded and iſſued againſt the ſaid T. S. on the of 17 whereupon he was duly found and declared a bankrupt, and ſhortly afterwards, at a meeting of the commiſsioners named and authorized in and by the ſaid commiſsion, held

held at Guildhall, in the city of London, E. S. of London, ſaleſman, and J. G. of ſaleſman, were duly choſen aſſignees of the ſaid bankrupt's eſtate and effects, and it was agreed at a meeting of the commiſſioners, named and authorized in the ſaid commiſſion, by and between the creditors then preſent, and the ſaid aſſignees, that when they, or either of them, ſhould have on account of the ſaid bankrupt's eſtate, to the amount of 50 l. or upwards, in their hands, it was to be paid into the bank, for the benefit of themſelves, and the reſt of the ſaid bankrupt's creditors.

THAT your petitioner ſometime afterwards received a dividend after the rate of 2 *s.* 8 *d.* in the pound, upon the ſum of proved to be due to the ſaid E. H. from the ſaid bankrupt's eſtate.

THAT the ſaid J. G. one of the aſſignees of the ſaid bankrupt, on the day of 17 (which was ſubſequent to the making of the ſaid dividend) received from J. F. of in the county of the ſum of (being a legacy bequeathed to the ſaid T. S. the bankrupt, in and by the laſt will and teſtament of T. H. deceaſed,) for and on account of the ſaid bankrupt's eſtate, which the ſaid J. G. then ſaid would be appropriated to the paying another dividend of the ſaid bankrupt's effects, which was intended to be made in about a month afterwards; but the ſaid ſum of has ever ſince remained in the hands of the ſaid J. G. without being divided amongſt the ſeveral creditors of the ſaid bankrupt, or placed in the bank to the credit of the ſaid eſtate; and other ſums of money have ſince alſo come to the hands of the ſaid E. S. and J. G. on account of the ſaid bankrupt's eſtate and effects, which they have employed in their reſpective trades and buſineſs, or otherwiſe applied to their own uſe.

THAT the ſaid E. S. and J. G. pretend they cannot make a further dividend of the ſaid bankrupt's eſtate and effects, till the right and intereſt of the ſaid bankrupt to part of a meſſuage and premiſes ſituate in ſtreet, Weſtminſter, can be ſold and diſpoſed of.

YOUR

YOUR petitioner therefore humbly prays your Lordſhip, that the ſaid E. S. and J. G. may be directed to come to an account of all ſum and ſums of money received from time to time, by them, or either of them, as aſſignees of the eſtate and effects of the ſaid T. S. the bankrupt, before the major part of the commiſſioners named in the ſaid commiſſion, and that they may pay all ſuch ſum and ſums of money which have come to their and either of their hands, as aforeſaid, with intereſt for the ſame, into the Bank of England; and that the ſaid E. S. and J. G. may alſo be directed to ſell and diſpoſe of the ſaid bankrupt's eſtate and intereſt in the ſaid meſſuage and premiſes, either by public auction or private ſale, with all convenient ſpeed; and that the money to ariſe by ſuch ſale, may alſo be paid by the ſaid E. S. and J. G. into the bank; and that the ſaid commiſſioners, or the major part of them acting under the ſaid commiſſion, may be directed to make a dividend of all ſuch monies when ſo paid into the bank, as aforeſaid, to and amongſt your petitioners, and all other the creditors of the ſaid T. S. who have come in and ſought relief under the ſaid commiſſion; or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes as to your Lordſhip, ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

Form of a petition for the ſale of mortgaged premiſes, and for the petitioners to prove deficiency under the commiſſion.

In the matter of A. H. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of S. P. W. S. J. R. and H. B. executors of H. H. deceaſed;

Sheweth,

THAT by indenture tripartite, bearing date the day of in the year of our Lord 17 made between K. C. as therein deſcribed, of the firſt part; A. H. the bankrupt, of the ſecond part; and H. H. as therein alſo deſcribed, ſince deceaſed, of the third part; *reciting* that by indenture of leaſe bearing date the day of 17 and made between D. B. therein mentioned, of the one part; and the ſaid A. H. of the other part; the ſaid D. B. did demiſe to the ſaid A. H. his executors, adminiſtrators, and aſſigns, all that meſſuage or tenement ſituate and being at in the pariſh of in the county of called or known by the name of together with the ſtables, outhouſes, buildings, yards, gardens, orchards, and appurtenances, to hold the ſame to him the ſaid A. H. his executors, adminiſtrators, and aſſigns, from the feaſt day of the annunciation of the bleſſed Virgin-Mary, then next enſuing the date of the ſaid indenture, for the full end and term of years, thence next enſuing, under the rents and covenants therein mentioned; and alſo reciting that the ſaid indenture of demiſe was then veſted in the ſaid K. C. for the remainder of the ſaid term of years, but ſubject to redemption by the ſaid A. H. upon payment to the ſaid K. C. of pounds with legal intereſt, and that H. H. at the requeſt of the ſaid A. H. had agreed to pay the ſaid K. C. the ſaid principal ſum of pounds; and alſo to lend and advance him ſo much more as would make up

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in the whole the ſum of and that the ſaid A. H. had given a bond and judgment for ſecuring the ſame; and by way of better ſecurity had propoſed to aſſign the ſaid indenture of leaſe to the ſaid H. H. for the remainder of the ſaid term: the ſaid K. C. in conſideration of the ſaid ſum of pounds, did by the direction of the ſaid A. H. bargain, ſell, aſſign, transfer, and ſet over, and the ſaid A. H. did bargain ſell ratify and confirm unto the ſaid H. H. his executors, adminiſtrators, and aſſigns, as well the ſaid recited indenture of leaſe, as all meſne aſſignments thereof, and the ſaid meſſuage or tenement and premiſes therein comprized, and all right and title of them the ſaid K. C. and A. H. or either of them in or to the ſame, *to hold* the ſame to the ſaid H. H. his executors, adminiſtrators, and aſſigns, from thence forth, for all the reſidue and remainder of the ſaid term of years, ſubject to redemption by the ſaid A. H. upon payment to the ſaid H. H. of the ſum of pounds, and intereſt for the ſame, according to the condition of the ſaid recited bond.

THAT the ſaid ſum of pounds, or any part thereof, was not paid to the ſaid H. H. at the time ſpecified in the ſaid indenture of mortgage, or at any time during his life, except pounds, or there-abouts.

THAT the ſaid H. H. departed this life on or about the day of December, 17 having firſt duly made and executed his laſt will and teſtament in writing, bearing date the day of in the year of our Lord 17 and appointed your petitioner's executors thereof, who have duly proved the ſame in the proper eccleſiaſtical court.

THAT a commiſſion of bankrupt, bearing date the day of laſt, was awarded and iſſued againſt the ſaid A. H. and he was thereupon duly found and declared a bankrupt, and S. N. of ſtreet, in the city of vintner, and J. O. of in the county of brewer, were choſen aſſignees of his eſtate and effects.

THAT at the time when the ſaid commiſſion of bankrupt was awarded and iſſued againſt the ſaid A. H. there was due from him to your petitioners, as executors

of the ſaid H. H. on account of the ſaid mortgage, the ſum of pounds ſhillings and pence.

THAT the ſaid mortgaged premiſes are a very ſcanty and inſufficient ſecurity for the ſaid ſum.

YOUR petitioners therefore humbly pray your Lordſhip, that the ſaid mortgaged premiſes may be ſold before the major part of the commiſſioners in the ſaid commiſſion named, and that what ſhall ariſe from the ſale thereof, may be paid to your petitioners, in ſatisfaction of ſo much of the ſaid ſum of pounds ſhillings and pence, as the ſame will extend to ſatisfy; and that your petitioners may be at liberty to prove the remainder of the ſaid ſum of pounds ſhillings and pence, under the ſaid commiſſion.

And your petitioners ſhall ever pray, &c.

Petition for ſale of mortgaged premiſes, before the maſter, and for other purpoſes.

In the matter of J. C a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of T. M. W. R. and W. S. aſſignees of the ſaid bankrupt;

Sheweth,

THAT A. F. widow, and ſole executrix of C. F. her late huſband, deceaſed, preferred her petition to your Lordſhip, ſhewing, That in the year 17 the above named J. C. being ſeized of ſome freehold eſtates, at in the county of and having occaſion to borrow a ſum of money, had applied to a Mr. C. for the loan of pounds,

pounds, who had agreed to advance the ſame, on having ſome of the ſaid eſtates conveyed to him, by way of morgage, and a friend's becoming jointly bound unto him, with the ſaid J. C. for the greater ſecurity of repayment.

THAT on or about the day of 17 the ſaid J. C. had received the ſaid ſum of pounds, and executed unto the ſaid Mr. C. a mortgage, as agreed on; and the ſaid C. F. without any conſideration or advantage, and merely through friendſhip, having been prevailed on to become ſuch ſecurity for the repayment thereof, with intereſt, had joined with the ſaid J. C. in executing a bond for that purpoſe.

THAT on or about the day of 17 a commiſſion of bankrupt, under the great ſeal of Great Britain, had been awarded and iſſued againſt the ſaid J. C. and he had been thereupon declared a bankrupt, and his eſtate and effects, both real and perſonal, had been accordingly conveyed and aſſigned to your petitioners, being the aſſignees duly choſen under the ſaid commiſſion.

THAT the ſaid bankrupt having neglected to pay off and diſcharge the ſaid mortgage bond, the ſaid C. F. in his life time, and after the ſaid commiſſion iſſued was called on by the ſaid Mr. C. and was obliged and actually did pay him the ſum of for the principal and intereſt due thereon.

THAT on the day of 17 being the time the ſaid C. F. paid the above ſum, the ſaid Mr. C. had executed to him a conveyance of the ſaidmortgaged premiſes, by leaſe and releaſe, and which ſecurity was very inſufficient to pay the ſaid A. F. as the executrix of the ſaid C. F. the ſaid monies, which he had actually advanced, or paid, to the ſaid Mr. C; and thereby praying that your Lordſhip would be pleaſed to direct, that the ſaid bankrupt's mortgaged eſtates above mentioned, ſhould be immediately ſold, and that your petitioners ſhould join with the ſaid A. F. in executing a conveyance thereof, to the purchaſer or purchaſers, and that the whole purchaſe-

money,

money, ſhould the ſame be inſufficient to pay the ſaid A. F. the ſaid debt of and intereſt, might be paid to the ſaid A. F. and ſhe be ordered to be admitted as a creditor under the ſaid commiſſion, for ſo much as the money ariſing from the ſale of the ſaid eſtates, ſhould turn out inſufficient to anſwer the ſaid debt. Upon hearing the ſaid petition on the day of laſt paſt, your Lordſhip was pleaſed to order that it ſhould be referred to the major part of the commiſſioners named in the commiſſion of bankrupt, iſſued againſt the ſaid J. C. to take an account of what was due to the ſaid A. F. as executrix of her late huſband, deceaſed, for principal and intereſt on the ſaid mortgage; and that the premiſes comprized in the ſaid mortgage, ſhould be forthwith ſold before the ſaid commiſſioners, to the beſt purchaſer or purchaſers, that could be got for the ſame; and that the ſaid commiſſioners ſhould appoint a meeting for that purpoſe, of which due notice was to be given in the London Gazette; and your petitioners and all proper parties were to join with the ſaid commiſſioners in the execution of a proper conveyance or conveyances to the purchaſer or purchaſers thereof; and all parties were to produce before the ſaid commiſſioners all deeds and writings in their reſpective cuſtody or power, relating to the title of the ſaid premiſes, upon oath, as the ſaid commiſſioners ſhould direct, and that the money ariſing by ſuch ſale, ſhould be applied in diſcharge of the principal and intereſt due to the ſaid A. F. on the ſaid mortgage, and the ſurplus thereof, if any, was to be paid to your petitioners; and in caſe the money to ariſe by ſuch ſale, ſhould not be ſufficient to pay and ſatisfy what ſhould be found due, to the ſaid A. F. for principal and intereſt, as aforeſaid, your Lordſhip did order that the ſaid A. F. ſhould be at liberty to go before the ſaid commiſſioners, and be admitted a creditor under the ſaid commiſſion, for ſuch deficiency; and that ſhe ſhould be paid a dividend or dividends in reſpect thereof, rateably and in equal proportion with the reſt of the ſaid bankrupt's creditors, ſeeking relief under the ſaid commiſſion.

THAT

THAT the ſaid C. F. deceaſed, about the day of 17 prevailed on the tenants of the ſaid mortgaged premiſes, to attorn to him, and pay him the rent then in arrear; and he and the ſaid A. F. his widow, ever ſince have been and now are in the receipt of the rents and profits of the ſaid mortgaged premiſes.

THAT the ſaid A. F. is not by your Lordſhip's ſaid order, ordered to account for the rents and profits of the ſaid mortgaged premiſes, come to her hands, and to the hands of the ſaid C. F. her late huſband, deceaſed.

THAT the ſaid A. F. hath not proceeded under the ſaid order, nor taken any ſteps before the ſaid commiſſioners, for the ſale of the ſaid mortgaged premiſes.

YOUR petitioners therefore humbly pray your Lordſhip, that it may be referred to one of the maſters of this honourable court, to take an account of the rents and profits of the ſaid mortgaged premiſes, come to the hands of, and received by the ſaid C. F. deceaſed, in his life time; or to the hands of and received by the ſaid A. F. his widow, ſince his diſeaſe, or to the hands of any other perſon on their account; and that the ſaid order dated the day of 17 may be altered and varied, as to ſuch part thereof, whereby it is referred to the major part of the commiſſioners named in the ſaid commiſſion of bankrupt, to take an account of what is due to the ſaid A. F. for the principal and intereſt, on the ſaid mortgage, and that the premiſes comprized therein

in be forth-with ſold before the ſaid commiſsioners; and that they ſhould appoint a meeting for that purpoſe, by notice in the London Gazette. And that it may be alſo referred to the ſaid maſter to take an account of what is due to the ſaid A. F. as executrix of her late huſband, deceaſed, for principal and intereſt due on the ſaid mortgage; and that the premiſes comprized in the ſaid mortgage may be forth-with ſold before the ſaid maſter, to the beſt purchaſer or purchaſers, that can be got for the ſame, to be allowed of by the ſaid maſter; and that the ſaid maſter do appoint a time for that purpoſe, of which due notice is to be given in the London Gazette; and that proper parties may join in ſuch ſale or mortgage, and produce upon oath before the ſaid maſter, all deeds and writings in their cuſtody or power, relating thereto as he ſhall direct; and that the money ariſing by ſuch ſale may in the firſt place be applied in diſcharge of the principal and intereſt due to the ſaid A. F. as executrix, as aforeſaid, on the ſaid mortgage; and that the reſidue thereof (if any) may be paid to your petitioners.

And your petitioners ſhall ever pray, &c.

Petition

Petition to transfer money in the matter of the bankrupt to the credit of the cauſe.

In the matter of M. N. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of J. M. E. H. and T. F. the ſurviving aſſignees of the ſaid bankrupt;

Sheweth,

THAT by an order made in the matter on the day of 17 the ſum of (being the amount of ſeveral dividends of the ſaid bankrupt's eſtate upon a claim made by your petitioner J. M. as the executor of W. N. deceaſed, of the ſum of under the ſaid commiſſion) was paid by your petitioners H. and F. into the bank of England, with the privity of the accountant-general of this court, in truſt in this matter, and by virtue of the ſame order hath been ſince laid out in the purchaſe of 3 per cent. conſolidated bank annuities, which with the dividends from time to time received thereon and ſince laid out, amount to the ſum of of like annuities, which now ſtand in the name of the ſaid accountant-general in truſt in this matter, together with the ſum of caſh in the bank, which has ariſen from dividends on the ſaid annuities as yet uninveſted, and which annuities and caſh are by the ſaid order declared to be in truſt for the benefit of ſuch perſon or perſons as ſhould appear to be intitled thereto, without prejudice to any of the parties intereſted therein.

THAT a cauſe is now depending in this court, wherein G. W. and A. his wife, late A. H. widow, and T. N. ſpinſter, are plaintiffs; and your petitioner M. the ſaid M. N. (the bankrupt) your petitioners H. and F. and W. B. and M. his wife are defendants, being all the parties intereſted in the ſaid annuities, and caſh, and dividends.

THAT by an account taken in the ſaid cauſe in which the maſter has made his report, a conſiderably

larger ſum than the ſaid ſum of has been found and reported due from the eſtate of the ſaid M. N. to your petitioner M. as ſuch executor of W. N.

THAT in order to accompliſh a ſettlement between all the parties in the ſaid cauſe, reſpecting the ſaid annuities and dividends, your petitioners are adviſed that it will be convenient that the ſame ſhould be tranſferred from the credit of the bankruptcy in this matter, to the credit of the ſaid cauſe, in truſt for the parties intereſted therein, and ſubject to ſuch future order as ſhall be made in the ſaid cauſe.

YOUR petitioners therefore humbly pray your Lordſhip to order that the ſaid ſum of 3 per cent. annuities, together with the ſaid ſum of caſh now in the bank, and all dividends to be hereafter received on the ſaid annuities, may be transferred by the accountant-general of this court, from the credit of this matter to the credit of the ſaid cauſe, in truſt for all parties intereſted therein, and ſubject to the orders of this court in the ſaid cauſe.

And your petitioners ſhall ever ever pray, &c.

Petition to ſuperſede a commiſſion, after paying 20*s. in the pound.*

In the matter of G. K. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of the ſaid G. K. the bankrupt;

Sheweth,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date at Weſtminſter the

the day of 17 was awarded and iſſued forth againſt your petitioner upon the petition of A. F. of mercer, which commiſſion was directed to C. N. C.---F. F ---C. L. eſquires, A. T. and W. C. gentlemen, the major part of whom found and declared your petitioner a bankrupt.

THAT T. B. of London, ſtationer, and A. H. of London, printer, were duly choſen aſſignees under the ſaid commiſſion, and an aſſignment was thereupon made and executed to them by the major part of the commiſſioners in the ſaid commiſſion, named and authorized, of all your petitioner's eſtate and effects,

THAT under and by virtue of ſuch aſſignment, the ſaid T. B. and A. H. poſſeſſed themſelves of the whole of your petitioner's eſtate and effects, which produced monies ſufficient to enable them to pay, and they actually did pay to the whole of your petitioner's creditors who proved their debts under the ſaid commiſſion, full twenty ſhillings in the pound upon their reſpective debts.

YOUR petitioner therefore humbly prays your Lordſhip would be pleaſed to order that the ſaid commiſſion of bankrupt, awarded and iſſued againſt your petitioner as aforeſaid, be immediately ſuperſeded, and that a writ of ſuperſedeas do forthwith iſſue for that purpoſe at your petitioner's expence.

And your petitioner ſhall ever pray, &c.

Petition to ſuperſede a commiſſion taken out by one partner againſt the other.

In the matter of J. S. the elder, a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of the ſaid bankrupt;

Sheweth,

THAT your petitioner having for many years previous to the month of in the year 17 been brought up to and converſant with the trade and buſineſs of a ſugar-refiner, and having for previous to the ſaid month of 17 been eſtabliſhed in the ſaid buſineſs, and having fitted up a houſe in in the of for the purpoſe of carrying on the ſaid buſineſs, and of which houſe and premiſes your petitioner had obtained a leaſe for the term of years from the day of 17 it was in or about the ſaid month of propoſed by M. W. the elder of brewer, to enter into partnerſhip with your petitioner, for the purpoſe of carrying on the ſaid trade and buſineſs of ſugar refiners, as co-partners, in equal proportions, and which propoſal being acceded to by your petitioner, it was therefore agreed between him and the ſaid M. W. that each party ſhould bring in an equal ſum in goods, money, or good debts, to conſtitute a common ſtock or fund wherewith to carry on the ſaid buſineſs, and that in conſideration thereof, each party ſhould receive and bear an equal proportion and ſhare of the profits, benefit and advantage which ſhould ariſe or be made from the ſaid buſineſs, or the loſs or damage which ſhould or might be ſuſtained therefrom in the courſe of the ſaid partnerſhip.

THAT in conſequence of the before ſtated propoſal and agreement, an account was taken of the then ſtock in trade of your petitioner, the debts due and owing to him, and the value of the ſaid leaſe, which upon

upon a fair valuation thereof amounted to the ſum of or thereabouts.

THAT articles of agreement conformable to the ſaid propoſal and agreement were drawn up by the ſaid M. W. between your petitioner and the ſaid M. W. and ſigned by both parties, but only one part thereof being ſo drawn and ſigned, ſuch part was kept by the ſaid M. W.

THAT the whole of the ſaid goods, ſtock in trade, and debts were by your petitioner brought into and applied in the ſaid partnerſhip, trade, and buſineſs, which was carried on for a conſiderable time under the firm of S. and W. but the ſaid M. W. only brought into the ſaid co-partnerſhip-ſtock, the ſum of and that, at ſeveral different periods, and out of which ſaid ſum, the ſaid M. W. during the ſaid co-partnerſhip, drew out the ſum of

THAT your petitioner being as before ſtated, well experienced in the art and myſtery of refining ſugar, it was agreed between him and the ſaid M. W. that your petitioner ſhould act as a boiler of the ſugar, and in conſideration thereof, and of his managing and attending the ſaid partnerſhip concerns, ſhould receive and be paid the ſum of per annum over and beſides his ſhare of the profits of the ſaid co-partnerſhip buſineſs.

THAT your petitioner did in purſuance of the ſaid agreement, carry on the ſaid trade and buſineſs of a ſugar-refiner, by buying of raw ſugars and boiling and refining the ſame, and ſelling and diſpoſing thereof for the beſt price he could procure and get for the ſame, and that with the privity and knowledge of the ſaid M. W. your petitioner from time to time entering or cauſing to be entered in the partnerſhip books, the real and true value of the prime coſts of the ſaid raw ſugars and other materials, and of the monies received by ſale thereof.

THAT owing to the very high price of the raw materials and ſundry loſſes, the ſame was a loſing trade, and the ſaid M. W. being diſſatisfied thereat, urged your petitioner to diſſolve the ſaid co-partnerſhip between

between them, to which your petitioner did conſent and agree, and therefore on or about the day of 17 their ſaid co-partnerſhip concerns were by mutual conſent diſſolved, and from which period your petitioner carried on the ſaid trade and buſineſs of a ſugar-refiner on his own ſeparate account, until the time herein after particularly mentioned.

THAT on ſtating the partnerſhip accounts between your petitioner and the ſaid M. W. from the commencement thereof, until the ſaid day of 17 being one year and a quarter, it appeared a loſs had been ſuſtained of and upwards, excluſive of the ſum which your petitioner was to be allowed for his trouble and experience as a boiler of ſugar and managing the ſaid partnerſhip concerns.

THAT the ſaid M. W. finding the ſaid co-partnerſhip, trade and buſineſs, had, contrary to his expectations, turned out a looſing inſtead of a profitable concern, he took the advantage of your petitioner not having any copy of the articles of partnerſhip, which were as before ſtated, ſigned by them, and inſiſted that no partnerſhip had ever ſubſiſted between them, and that he would be paid by your petitioner the whole of the money which he had ſo as aforeſaid advanced and brought into the ſaid co-partnerſhip, and having burnt or otherways deſtroyed the ſaid articles, and taking advantage of the circumſtances of your petitioner, being a foreigner without friends, and unacquainted with the laws of this kingdom, cauſed your petitioner to be arreſted and held to bail for the ſum of and upwards, which he alledged was due to him as ſo much advanced to your petitioner.

THAT your petitioner being as before mentioned, a foreigner, unacquainted with the laws of this kingdom, without friends, and ſuppoſing that the ſaid articles of co-partnerſhip were deſtroyed, that therefore he could not inſiſt upon the benefit thereof, and being urged by the ſaid M. W. to come to an agreement with him, your petitioner was prevailed upon, through fear and in

in order to obtain his releaſe from the ſpunging-houſe, to give and execute to the ſaid M. W. a bond or obligation, bearing date the day of 17 for the payment of and intereſt, on the day of 17 and at the ſame time your petitioner was for the like reaſons prevailed upon to ſign a warrant of attorney, to confeſs a judgment on the ſaid bond, and alſo to aſſign over to the ſaid M. W. the leaſe of your petitioner's ſaid ſugar-houſe as a collateral or further ſecurity for payment of the ſaid money.

THAT your petitioner had, previous to giving and ſigning the ſaid bond, warrant and aſſignment, paid to the ſaid M. W. the ſum of which added to the ſum of before drawn out by him from the ſaid partnerſhip effects, rendered the money advanced by him, on account of the ſaid partnerſhip, to the ſum of and as the loſſes of the ſaid joint trade amounted to the ſum of at the leaſt, the whole of the ſaid money ſo advanced and brought in by the ſaid M. W. was loſt and ſunk, and more, as will appear upon the ſaid partnerſhips' accounts, being fairly taken, ſtated and ſettled.

THAT your petitioner after the ſaid partnerſhip between him and the ſaid M. W. was ſo diſſolved as aforeſaid, entered into partnerſhip with his ſon J. F. the younger, who advanced and brought into the ſaid trade a conſiderable ſum of money, and articles of co-partnerſhip were drawn up and executed between them: whereby it was amongſt other things agreed between your petitioner and his ſaid ſon, that in conſideration of the monies ſo brought into the ſaid trade by the ſaid J. S. the younger, ſhould be intituled to a moiety or joint intereſt with your petitioner of, in, and to the debts then due and owing to your ſaid petitioner, and of, in, and to a moiety of the ſtock in trade, utenſils, fixtures, and other things then being in and upon your petitioner's ſaid ſugar-houſe and premiſes in aforeſaid.

THAT your petitioner and his ſaid ſon carried on the buſineſs of ſugar-refiners in co-partnerſhip from

from the day of 17 until on or about the day of last, in which time they contracted several large debts to divers persons, and your petitioner having many times by himself and friends applied to the said M. W. to come to a fair account and settlement respecting their said partnership concerns, but which he totally refused to do, and threatening to sue out execution upon his said bond, and the judgment signed upon the said warrant of attorney, your petitioner in order to prevent his debts being taken in execution for a debt which he then thought and now thinks he did not or does not owe, and to prevent his real and bona fide creditors from being injured, did, in conjuction with his said son, the said J. S. the younger, cause a meeting to be held of their said creditors, at which meeting it was proposed and agreed that your petitioner and his said son should assign over the whole of their effects to R. H. of grocer, and R. D. of grocer, trustees, nominated and appointed by the said creditors, in trust for the benefit of themselves and the rest of the said creditors; and in pursuance of such proposal and agreement, your petitioner and his said son did, by indenture, bearing date on or about the day of last, assign over the whole of their said estate and effects to the said R. H. and R. D. in trust, and for the purposes aforesaid, and in the said indenture particularly mentioned.

That the said M. W. did in or about the day of last, sue out a scieri facias on the judgment signed by him on the said warrant of attorney, and by virtue thereof seized and took possession of the whole of the estate and effects of your petitioner and his said son; but your petitioner's moiety of the same having been previously seized and taken possession of, by virtue of a writ of fiere facias at the suit of the said J. S. the younger, and the whole of such effects having been assigned by your petitioner and his said son, to the said R. H. and R. D. as aforesaid, the said M. W. thought proper to wave and give up his said execution; and on or about the

the day of last, caused a commission of bankrupt under the great seal of Great Britain, to be awarded and issued against your petitioner, and sworn to and exhibited his said bond so unduly obtained from your petitioner, as the foundation, and in proof of his said debt; your petitioner was found and declared bankrupt by the major part of the commissioners acting under the said commission.

That by virtue of the said commission, the estate and effects of your petitioner then being in and upon the said premises in aforesaid, were seized and taken by the messenger under the same commission; but the whole thereof, except a mill and some other fixtures on the said premises, were sold by public auction by the sheriff of under and by virtue of the said writ of fieri facias, so issued at the suit of the said J. S. the younger, and the money arising by sale thereof now remains in the hands of the said sheriff for the said R. H. and R. D. as trustees as aforesaid, by virtue of the assignment so to them made by your petitioner and the said J. S. the younger.

That your petitioner attended with his solicitor at the first meeting appointed to be held under the said commission, and then stated to the commissioners acting under the same, the nature of the transactions between your petitioner and the said M. W. and your petitioner's reasons for asserting that there was not any debt due and owing from him to the said M. W. but the said commissioners being of opinion that they were not competent to enter into the consideration of the said bond so given by your petitioner to the said M. W. as aforesaid, proceeded to act in the execution of the said commission, and the said M. W's debt very greatly exceeding any other debt proved under the said commmission, he did nominate and chuse himself and T. S. of the parish of gentleman, his son-in-law but who is no creditor of your petitioner, to be assignees of your petitioner's said estate and effects.

THAT your petitioner having cauſed the whole of the accounts between him and the ſaid M. W. to be minutely examined and ſtated, has the greateſt reaſon to believe it will clearly appear, that ſo far from your petitioner being indebted to the ſaid M. W. he will be found to be debtor to your petitioner or his eſtate; and your petitioner has no doubt but he can prove that the ſaid bond, warrant of attorney and aſſignment, were obtained from him upon falſe ſuggeſtions, by threats and undue means, and that therefore the ſaid commiſſion ſo awarded and iſſued againſt him is unfounded and ought to be ſuperſeded.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that it may be referred to one of the maſters of this honourable court, to take an account of the co-partnerſhip affairs and tranſactions between your petitioner and the ſaid M. W. and to ſtate the ballance thereon, and if upon the taking of ſuch account, after making all juſt allowances, it ſhall appear that your petitioner was not at the date and ſuing forth of the ſaid commiſſion, juſtly and truly indebted to the ſaid M. W. in the ſum of that the ſaid commiſſion of bankrupt ſo awarded and iſſued againſt your petitioner may be ſuperſeded at the expence of the ſaid M. W. and that the bond ſo entered into by your petitioner to the ſaid M. W. and alſo the ſaid aſſignment of the leaſe of your ſaid petitioner's houſe and premiſes, may be delivered up to your petitioner to be cancelled, and alſo that the bond entered into by the ſaid

M. W.

M. W. on applying for and taking out the ſaid commiſſion of bankrupt againſt your petitioner, may be aſſigned to your petitioner, and that the ſaid M. W. may pay to your petitioner his coſts of this application, or that your Lordſhip would make ſuch further and other order in the premiſes as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

In the matter of A. Y. V. K. and V. W. bankrupts.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of D. G. of in Eſq. a ſeparate creditor of the ſaid V. K. on behalf of himſelf and all other the ſeparate creditors of the ſaid V. K.

Sheweth,

THAT on or about the day of laſt a joint commiſſion of bankrupt under the great ſeal of Great Britain, was awarded and iſſued againſt the ſaid A. Y. V. K. and V. W. of ſilk weavers and co-partners, and they have thereupon been duly found and declared bankrupts, and their eſtate and effects, as well joint as ſeparate are intended to be aſſigned to aſſignees, to be duly choſen under the ſaid commiſſion, without diſtinguiſhing or dividing the joint eſtates and effects from the ſeparate eſtate and effects of the ſaid bankrupts.

THAT before the date and ſuing forth of the ſaid commiſſion, the ſaid V. K. was and ſtill is indebted to your petitioner on his ſeparate account, in the ſum of upon a judgment recovered againſt the ſaid V. K. by your petitioner in Eaſter term laſt, in his majeſty's court of king's bench, at Weſtminſter, and alſo in a very

conſiderable further ſum on the ballance of an account betwixt your petitioner and the ſaid V. K.

THAT there are other ſeparate creditors of the ſaid V. K. who with your petitioner cannot be admitted to prove their ſeparate debts under the ſaid joint commiſſion, without your Lordſhip's order for that purpoſe.

YOUR petitioner therefore moſt humbly prays, that your Lordſhip would be pleaſed to order that your petitioner and the other ſeparate creditors of the ſaid V. K. may be at liberty to come in and prove their debts under the ſaid joint commiſſion, iſſued againſt the above named bankrupts, and that it may be referred to the major part of the commiſſioners named and authorized in and by the ſaid commiſſion, to take joint and ſeparate accounts of the joint and ſeparate eſtates of the ſaid bankrupts, and of the ſaid V. K. and that what ſhall be found on ſuch accounts to belong to the ſeparate eſtate of the ſaid V. K. may be applied towards ſatisfaction of the debt due to your petitioner and the ſeveral other ſeparate creditors of the ſaid V. K. and that in caſe ſuch ſeparate eſtate ſhall not be ſufficient to pay and ſatisfy the demands of your petitioner and the other ſeparate creditors of the ſaid V. K. and in caſe there ſhall be any ſurplus of the joint eſtate remaining after payment of all the debts due to the joint creditors of the ſaid bankrupts, that one third part of ſuch

ſurplus

ſurplus ſhall be carried to the account of the ſeparate eſtate of the ſaid V. K. and be applied towards ſatisfaction of the debts of the ſeparate creditors of the ſaid V. K. and that the coſts of taking ſuch accounts of this application may be paid out of ſuch ſeparate eſtate of the ſaid V. K. or out of ſuch ſurplus of the joint eſtate; or that your lordſhip will be pleaſed to make ſuch further or other order in the matter for the relief of your petitioners and the other ſeparate creditors of the ſaid V. K. as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

In the matter of A. L. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of A. K. the elder, and J. K. the younger, creditors of the ſaid bankrupt;

Sheweth,

THAT in or about the month of the ſaid A. L. being indebted in the way of his trade of an ironmonger and brazier to ſeveral perſons to a large amount, and particularly to your petitioners in the ſum of were about to ſue out a commiſſion againſt him, but to ſave the expence of ſuing out ſuch commiſſion, it was propoſed to call a previous meeting of his creditors, and after ſeveral meetings, his creditors at the laſt of ſuch meetings, propoſed and agreed to accept of the ſaid A. L's. promiſſory notes for in the pound, for the amount of their reſpective debts, which notes were to be drawn

drawn by the ſaid A. L. payable at months and your petitioners were to indorſe the ſame, upon whoſe indorſement the ſaid A. L.'s then creditors agreed to give him a releaſe and diſcharge, to which propoſal (and in order to extricate the ſaid A. L. out of his then difficulties, your petitioners as his friends, and at his requeſt, agreed to ſuch propoſals, and accordingly indorſed the ſaid A. L's. promiſſory notes to ſecure to his then creditors ſhillings in the pound, to the amount of the ſaid A. L's. debts, and which ſuch creditors accepted in full thereof, and gave the ſaid A. L. a diſcharge.

THAT in order to reimburſe your petitioners the money they ſhould advance to the other creditors of the ſaid A. L. (and for ſecuring whereof they had given their indorſed notes payable as aforeſaid) he the ſaid A. L. prepared to aſſign to your petitioners the leaſe of his then dwelling-houſe and ſhop by way of mortgage and alſo to execute to them a bond and warrant of attorney, to confeſs judgment thereon by way of collateral ſecurity, and on your petitioners indorſing ſuch notes the ſaid A. L. executed ſuch ſecurities to your petitioners accordingly, and the ſaid A. L. thereupon continued in his ſhop and buſineſs as uſual.

THAT when the firſt of ſuch promiſſory notes became due, the ſaid A. L. (with the aſſiſtance of your petitioners) provided for payment thereof, and your petitioners in the interim had (to keep up his credit) let him have goods upon freſh credit.

THAT on or about the day of laſt, the ſaid A. L. called on your petitioners and informed them that it would be impoſſible for him to provide caſh to take up and pay their laſt indorſed notes (which became due on the day of then next) which greatly alarmed your petitioners, whereupon they immediately went to the ſaid A. L's. houſe and ſhop, and examined his ſtock in trade, and notwithſtanding your petitioners had ſent him in goods upon freſh credit, found a very great deficiency in his ſtock in trade, and that a large quantity

quantity of goods were then ready packed up to be ſhipp'd for Holland.

THAT on the day of laſt your petitioners in order to ſecure themſelves part of their debt, cauſed judgment to be entered up, upon the ſaid A. L's. bond and warrant of attorney, and ſued out a fieri facias thereon.

THAT in order to get rid of your petitioners' execution, the ſaid A. L. on the day of laſt, cauſed a commiſſion of bankrupt to be taken out againſt him by one H. P. of in victualler, the brother-in-law to the ſaid A. L. and who till the iſſuing of the ſaid commiſſion never appeared as one of the ſaid A. L's. creditors, and whoſe debt was then alledged to be for money lent to the ſaid bankrupt ſo long ago as the of 17

THAT on the day of 17 (when the laſt of the ſaid payments became due) your petitioners took up and paid their indorſed notes.

THAT on the day of (being the firſt meeting of the commiſſioners under the ſaid commiſſion) the ſaid H. P. proved a debt under the ſaid A. L's. commiſſion of for money lent and advanced by the ſaid H. P. to the ſaid A. L. and intereſt thereon, in whoſe depoſition is an exception of a promiſſory note, dated the day of 17 drawn by the ſaid bankrupt, whereby on demand he promiſed to pay the ſaid deponent by the name of H. P. for value received.

THAT on the day of 17 your petitioner J. K. the elder, on behalf of himſelf and the other petitioner J. K. the younger, his partner, proved a debt of under the ſaid commiſſion for goods ſold and delivered, and for money paid, laid out, and expended by your petitioners to and for the uſe of the ſaid bankrupt, in whoſe depoſition is an exception of the ſaid aſſignment of leaſe by way of mortgage, and the ſaid bond and judgment, and which ſecurities your petitioner J. K. the elder, on proving of his and partner's debt, agreed to relinquiſh and give up, and immediately withdrew

drew their execution and gave up their ſecurities, and your petitioner J. K. the elder was thereupon choſen ſole aſſignee of the ſaid bankrupt's eſtate and effects.

THAT there is now due and owing to your petitioners from the eſtate of the ſaid A. L. the bankrupt (excluſive of the ſaid ſum of by them already proved under the ſaid commiſſion, the ſum of for money by your petitioners advanced and paid in taking up their ſaid indorſed notes, which they had given to the ſaid bankrupt's creditors on his firſt failure, and which notes did not (from the time they had to run) become due and payable 'till 17

THAT the remainder of the ſaid bankrupt's debts proved under the ſaid commiſſion do not amount to more than the ſum of

YOUR petitioners therefore moſt humbly pray your Lordſhip, that they may be permitted to prove, under the ſaid commiſſion, the ſaid ſum of ſo by them paid to the ſeveral other creditors of the ſaid A. L. in diſcharge of the remainder of his debts upon his former failure, and for his uſe and on his account, and that your petitioners may (as having paid ſuch creditors) be conſidered as ſtanding in their place and ſtead under the ſaid commiſsion, and may be permitted to receive a dividend of the ſaid bankrupt's eſtate or the produce thereof, rateably and in proportion to their ſaid debt with the other creditors of the ſaid bankrupt, or that your Lordſhip will be pleaſed to make ſuch other order therein as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

Petition

In the matter of S. P. the younger, and S. P. of in the county of merchants, dealers, chapmen, and partners, bankrupts,

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of H. P.

Sheweth,

THAT your petitioner on or about the day of 17 entered into a copartnerſhip with the ſaid S. P. and S. P. the bankrupts, in the buſineſs of merchants and factors, for and during the term of 21 years, from that time, in caſe the ſaid bankrupts and your petitioner ſhould ſo long live; and a memorandum of ſuch agreement was ſigned on that occaſion, but was afterwards deſtroyed on the execution of the deed of diſſolution after-mentioned.

THAT by a certain indenture bearing date day of 17 and made between the petitioner of the one part, and the ſaid bankrupts of the other part, your petitioner and the ſaid bankrupts reſpectively covenanted, declared, and agreed, that the partnerſhip then ſubſiſting between them ſhould, from the day of the date thereof, be bona fide diſſolved, and determined, and that the parties thereto ſhould be precluded from continuing and carrying on the trade or buſineſs of merchants and factors; and your petitioner in conſideration of ſecured in manner therein mentioned (being the money advanced by your petitioner into the ſaid copartnerſhip trade), and of the further ſum of for intereſt of the ſaid ſum of during the time the ſame remained in the ſaid co-partnerſhip trade, and of an indemnity therein contained, thereby bargained, ſold, and aſſigned unto the ſaid S. P. and S. P. their executors, adminiſtrators, and aſſigns, his undivided third part or ſhare of the capital joint ſtock and trade, whether conſiſting of ready money, bills, notes, or ſecurities for money, debts, or any other matter or thing; and the

profits, gains, and increaſe, and advantage ariſing or to ariſe from the ſaid joint trade, and of all contracts made and entered into upon account of the ſaid joint trade, and all benefit and advantage whatſoever ariſing therefrom—to hold the ſame unto the ſaid S. P. and S. P. their executors, adminiſtrators and aſſigns, from thenceforth abſolutely to their own uſe, and as their property; and the ſaid S. P. and S. P. thereby covenanted with your petitioner in conſequence of the ſaid aſſignment, that they would, with their own proper monies, as the ſame ſhould become due and payable, pay off and diſcharge all ſuch debts and ſums of money as were then due and owing upon the ſaid joint trade, and would perform and keep all contracts, agreements and engagements made and entered into on account of the ſaid joint trade, and indemnify your petitioner from the ſame and all coſts of ſuit relating thereto.

THAT on or about the day of 17 a commiſſion of bankrupt under the great ſeal of Great Britain, founded on a debt contracted partly before the ſaid co-partnerſhip, with your petitioner, and partly after the determination of the ſaid co-partnerſhip, was awarded and iſſued againſt the ſaid S. P. and S. P. as partners, whereupon they were found and duly declared bankrupts, and their eſtate and effects were duly aſſigned by the commiſſioners or the major part of them acting under the ſaid commiſſion to A. M. T. A. and L. W. all of aforeſaid, who were duly choſen aſſignees thereof.

THAT the ſaid bankrupts did not in purſuance and performance of their ſaid covenant entered into with your petitioner, pay off, ſatisfy and diſcharge the debts contracted and due and owing from your petitioner, and the ſaid bankrupts, at the time of their diſſolving partnerſhip, ſo that at the time of iſſuing the ſaid commiſſion there remained due and owing to the creditors of the ſaid partnerſhip between your petitioner and the ſaid bankrupts, debts to a very conſiderable amount: And your petitioner having in conſequence of the ſaid bankruptcy been called upon to pay off and ſatisfy ſuch debts,

debts, your petitioner hath already paid ſeveral of ſuch debts to the amount of or thereabouts: And your petitioner apprehends there are other debts of the ſaid partnerſhip to a conſiderable amount ſtill unſatisfied, which your petitioner will be obliged to pay.

THAT ſeveral parts of the effects and credits belonging to the late co-partnerſhip between your petitioner and the ſaid bankrupts, were remaining in ſpecie and outſtanding at the time of the iſſuing of the ſaid commiſſion, and the ſaid aſſignees have poſſeſſed and received ſeveral of ſuch credits and effects, and your petitioner ſubmits he is entitled to have all ſuch credits and effects, applied towards the payment of the unſatisfied debts owing from the late partnerſhip between your petitioner and the ſaid bankrupts, and towards reimburſing your petitioner what he has paid in diſcharge of debts as aforeſaid; and your petitioner alſo ſubmits that he is entitled to ſtand in the place of ſuch of the creditors of the ſaid late co-partnerſhip whoſe debts have been or ſhall be paid by him, as ſhall not be ſatisfied by means of the ſaid effects and credits remaining in ſpecie.

THAT at the reſpective times of your petitioner's paying off and diſcharging the ſeveral debts to the creditors of your petitioner and the ſaid bankrupts as aforeſaid, it was underſtood and agreed, as well by your petitioner, as by the ſaid creditors themſelves and alſo by the commiſſioners acting under the ſaid commiſſion, and the aſſignees of the ſaid bankrupts, that your petitioner ſhould ſtand in the place of the ſeveral creditors whoſe debts he ſhould diſcharge out of his private eſtate, and have the full benefit which the creditors themſelves would be entitled to under the ſaid commiſſion.

YOUR petitioner therefore humbly prays that your Lordſhip will be pleaſed to direct an account to be taken of the ſeveral effects and credits belonging to the ſaid co-partner-

ſhip between your petitioner and the ſaid bankrupts, which were remaining in ſpecie at the time of the iſſuing of the ſaid commiſſion, and have been poſſeſſed by or received by the ſaid A. M. T. A. and L. W. and alſo of the debts owing from the ſaid late partnerſhip at the time of the iſſuing of the ſaid commiſſion, and of the monies paid by your petitioner towards the diſcharge thereof, and that the ſaid effects and credits remaining in ſpecie may be applied in payment of the unſatisfied debts of the ſaid late partnerſhip, and in reimburſing your petitioner which he has paid or ſhall pay in diſcharging of any of ſuch debts, and that your petitioner may ſtand in the place of ſuch of the creditors of the ſaid late partnerſhip paid or to be paid by him, and for ſo much of their debts as he ſhall not be reimburſed out of the late partnerſhip's effects, and be admitted a creditor for the ſame under the ſaid commiſſion of bankrupt, and may receive a dividend or dividends of the ſaid bankrupts' eſtate and effects in reſpect thereof, rateably with the ſaid bankrupts' other creditors. And that ſuch further or other order may be made in the premiſes as your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

In the matter of A. L. and K. L. bankrupts.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of V. W. of in the Weaver, J. W. of Mercer, and J. C. W. of Merchant.

Sheweth,

THAT your petitioners did on the day of laſt preſer their petition to your Lordſhip, ſtating that your petitioner V. W. in the way of his trade as a weaver, became acquainted and had ſeveral dealings and tranſactions with A. L. and K. L. of ſtreet, London, merchants and co-partners (who were lately become bankrupts) and on or about the day of 17 your petitioner V. W. then ſtanding indebted unto the ſaid A. L. and K. L. in the ſum of for goods ſold and delivered by them in the way of their trade, and in the further ſum of for money lent and advanced to your ſaid petitioner V. W. they, the ſaid A. L. and K. L. applied to him and requeſted him to accommodate them with paper to the amount of payable ſome ſhort time after the demand that they then had upon him ſhould become due, and to ante-date the ſame that it might appear to be a note given for goods in the regular courſe of buſineſs, whereby they could get the ſame more regularly diſcounted; and accordingly in order to ſerve the ſaid A. L. and K. L. he drew his promiſſory note, bearing date the day of 17 payable months after date to the ſaid Meſſrs. A. L. and K. L. or order for which he fully expected would have been entered to the credit of his account with them, in diminution of their ſaid demand upon him.

AND alſo ſtating, That your petitioner V. W. being in habits of intimacy with the ſaid A. L. and K. L. and being deſirous of ſerving them as much as in his power, was again applied to by them to accommodate them with more paper to the amount of which he from motives of friendſhip alone was induced to do, and accordingly

accordingly on the day of in like manner, and for the like reaſon, drew another promiſſory note, bearing date the day of 17 for the ſaid ſum of payable to the ſaid Meſſrs. A. L. and K. L. or order months after date, and delivered the ſame to them or one of them, and they in order to indemnify him from being prejudiced thereby, indorſed over to him a promiſſory note, bearing date the day of 17 drawn by D. E. and Y. C. of weavers and partners (who are ſince alſo become bankrupts) and payable months after date to the ſaid Meſſrs. A. L. and K. L. or order for which ſaid laſt mentioned note ſo drawn by the ſaid D. E. and Y. C. as aforeſaid, was to become due days before the ſaid note for ſo drawn by your petitioner V. W. in favor of the ſaid A. L. and K. L. ſo as to make a proviſion for the payment thereof when the ſame ſhould become due.

AND alſo ſtating, That a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date the day of laſt had been awarded and iſſued againſt the ſaid A. L. and K. L. and they had been thereupon found and declared bankrupts, and an aſſignment of their eſtate and effects had been executed by the major part of the commiſſioners, acting under the ſaid commiſſion, to J. T. of merchant, and R. K. of in merchant, the aſſignees choſen under the ſaid commiſſion.

AND alſo ſtating, That the notes for and ſo given by your petitioner V. W. to the ſaid A. L. and K. L. as aforeſaid, had been negotiated by the ſaid A. L. and K. L. and were become due ſince the iſſuing of the ſaid commiſſion againſt the ſaid A. L. and K. L. and that they had been taken up and duly paid by your ſaid petitioner V. W.

AND alſo ſtating, That your petitioner V. W. having as aforeſaid duly paid the ſaid two promiſſory notes for and ſo given by him as aforeſaid to the ſaid A. L. and K. L. became a creditor of the ſaid A. L. and K. L. on balance, to the amount of the ſum of and thereupon,

thereupon, and as the ſaid note of the ſaid D. E. and Y. C. ſo indorſed to your ſaid petitioner V. W. as aforeſaid was not paid, he applied to prove the ſame under the ſaid commiſſion awarded and iſſued againſt them the ſaid A. L. and K. L. which he inſiſted he was intitled to do at leaſt to the extent of the ſaid but the major part of the commiſſioners acting under the ſaid commiſſion had rejected ſuch proof.

And further ſtating, That your petitioner V. W. from the loſs and misfortune aforeſaid, had been under the neceſſity of convening a meeting of his creditors, and had by indenture, bearing date the day of laſt, actually aſſigned over his eſtate and effects of what nature and kind ſoever to the ſaid J. W. and J. C. W. two of his principal creditors, in truſt for themſelves and the reſt of the creditors ſeeking relief under the ſaid truſt-deed, and that they had accordingly begun to carry the intention of the ſaid truſt into execution.

And alſo ſtating, That your ſaid petitioners J. W. and J. C. W. the ſaid truſtees, had cauſed application to be made to the aſſignees choſen under the ſaid commiſſion awarded and iſſued againſt the ſaid A. L. and K. L. in order to adjuſt the account between the ſaid A. L. and K. L. and your ſaid petitioner V. W. but that the aſſignees choſen under the ſaid commiſſion had refuſed to ſtate ſuch account, and inſiſted that they had a right to conſider themſelves as creditors under the eſtate of your petitioner S. W. for the whole ſum of appearing to be unſatisfied upon the books of the ſaid A. L. and K. L. and that your petitioners might be left to purſue ſuch remedy for relief as they thought proper.

And further ſtating, That your petitioners contended that they were intitled to a fair ſtatement of accounts from the aſſignees acting under the ſaid commiſſion iſſued againſt the ſaid A. L. and K. L. and that they had a right to ſet off the ſaid two promiſſory notes ſo given by your petitioner V. W. to the ſaid A. L. and K. L. againſt the ſaid demand of ſo claimed by the ſaid aſſignees upon the eſtate of your ſaid petitioner V. W.

and

and that your petitioner V. W. having duly taken up the ſaid two ſeveral notes when the ſame reſpectively became due as aforeſaid, and the eſtate of the ſaid A. L. and K. L. having been benefited to the amount of the ſaid two notes, your petitioners conceived they ought to be admitted creditors under the ſaid commiſſion ſo awarded and iſſued againſt the ſaid A. L. and K. L. as aforeſaid, to the full amount of the balance which ſhould appear to be due to your petitioners as truſtees as aforeſaid upon the ſtatement of ſuch account.

And therefore your petitioners did pray that your Lordſhip would order that the ſaid aſſignees choſen under the ſaid commiſſion awarded and iſſued againſt the ſaid A. L. and K. L. might ſtate the ſaid accounts between them and your petitioner V. W. and that in ſtating the ſame, the ſaid two promiſſory notes for and making together the ſum of ſo given and duly taken up as aforeſaid by your petitioner V. W. might be conſidered as ſo much money paid by him to the uſe of the ſaid A. L. and K. L. and that as to part thereof, that your petitioners might be allowed to ſet off the ſame againſt the ſaid ſum of being the demand of the ſaid aſſignees againſt your petitioner V. W. and that as to the ſurplus being that it might be conſidered as a balance due from the ſaid eſtate of the ſaid bankrupts to your petitioners J. W. and J. C. W. as truſtees as aforeſaid, that they might be admitted creditors for ſuch balance, and be at liberty to prove the ſame under the ſaid commiſſion awarded againſt the ſaid A. L. and K. L. and that your Lordſhip would make ſuch further or other order in the premiſes as to your Lordſhip ſhould ſeem meet. Whereupon your Lordſhip ordered all parties concerned to attend your Lordſhip on the matter of your petitioners' ſaid petition upon the next day of petitions; and counſel for your petitioners and for the aſſignees of the eſtate and effects of A. L. and K. L. the bankrupts on Saturday the day of 17 attending accordingly, your Lordſhip, upon hearing your petitioners' ſaid petition, an affidavit of your petitioner V. W. and an

affidavit

affidavit of your petitioner J. C. W. read, and what was alledged by the counſel on both ſides, did order that it ſhould be referred to Mr. M. one of the maſters of this court, to take an account of all dealings and tranſactions between your petitioner V. W. and the ſaid bankrupts; and the ſaid maſter was to aſcertain the dates and facts as to the delivering and negotiating the ſecurities in your petitioner's ſaid petition mentioned, and whether any, and what uſe was made of the indorſements of ſuch ſecurities, or any and which of them.

THAT the ſaid maſter having by his report, dated the day of been attended by the ſolicitor for your petitioners, and alſo by the ſolicitors for the aſſignees of the ſaid bankrupts, found that an account had been made up and ſettled between the truſtees of your petitioner V. W. and the aſſignees of the ſaid bankrupts relating to the ſaid ſecurities, and that there remained due from the eſtate of the ſaid bankrupts to the eſtate of your petitioner V. W. in reſpect thereof, the ſum of as it had been admitted before him the ſaid maſter, which he humbly certified to your Lordſhip.

YOUR petitioners therefore moſt humbly pray your Lordſhip to grant an order to confirm the ſaid report, and that they may be admitted creditors for the ſaid ſum of and be at liberty to prove the ſame under the ſaid commiſſion awarded againſt the ſaid A. L. and K. L. and that your petitioners may have the benefit of any dividend already declared or made, or which ſhall hereafter be declared or made to the creditors under the ſaid commiſſion, in an equal proportion with the reſt of the creditors of the ſaid A. L. and K. L. ſeeking relief under the ſaid commiſſion, and that the coſts of this and

the former applications of your petitioners may be paid to your petitioners out of the eſtate and effects of the ſaid bankrupts; or that your Lordſhip will make ſuch further or other order in the premiſes as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

In the matter of A. P. and W. I. bankrupts.

To the Right Honourable the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of E. I. of in the county of gentleman;

Sheweth,

THAT a commiſſion of bankrupt hath been awarded and iſſued forth againſt A. P. and A. L. of carriers and co-partners, bearing date on or about the day of in the year of our Lord 17

THAT they were thereupon found and declared bankrupts, and W. C. of in the county of and L. P. of London, gentleman, were duly choſen aſſignees of the ſaid bankrupts' eſtate and effects, and the uſual aſſignment thereof hath been made to them accordingly.

THAT that the ſaid A. P. was juſtly and truly indebted to your petitioner before and at the time of the iſſuing of the ſaid commiſſion in the ſum of principal money, on bond, bearing date the day of 17 part thereof (to wit) the ſum of pounds ſhillings, for ſo much money really and bona fide lent and advanced, and the remaining part thereof, being the ſum of for money then really and bona fide due

due on the balance of account from the ſaid A. P. and A. L. to your petitioner.

THAT the ſaid ſum of advanced to the ſaid A. P. by your petitioner as aforeſaid, was, as your petitioner apprehends and believes, thrown and put into the joint trade, and carried to the joint account of them the ſaid A. P. and A. L. and that they had jointly the benefit and advantage of the ſaid ſum of in their ſaid trade.

THAT the ſaid A. P. and A. L. were juſtly and truly indebted to your petitioner before and at the time of the ſuing forth the ſaid commiſſion in the ſum of (after allowing all money claimed by the ſaid A. P. and A. L. as due to them from your petitioner), part whereof for money received by the ſaid bankrupts, to and for the uſe of your petitioner; and the other part for the hire and uſe of a diligence for fifty-two weeks, borrowed by the ſaid A. L. of your petitioner, for carrying on the ſaid bankrupt's trade or buſineſs.

THAT your petitioner hath by his agent applied to the commiſſioners named in the ſaid commiſſion, at a meeting held at the Guildhall, London, in purſuance of an advertiſement for that purpoſe, and did there cauſe to be exhibited to the ſaid commiſſioners your petitioner's affidavits of his ſaid debts and his ſaid bond, and deſired to be admitted to prove ſaid ſeveral debts under the ſaid commiſſion, but was not permitted to prove the ſame or either of them.

YOUR petitioner therefore humbly prays your Lordſhip that he may be at liberty to prove his ſaid bond debt of and intereſt, under the ſaid joint commiſſion, up to the date thereof, and alſo his ſaid debt of under the ſaid joint commiſſion, and to be paid a rateable ſhare of the dividends to be made out of the joint eſtate of the ſaid A. P. and A. L. in equal proportion

tion with the reſt of the joint creditors, and that the aſſignees may produce the proceedings under the ſaid commiſſion, and alſo the bankrupts' book or books of account in which the ſaid bond debt was carried to the joint account of the ſaid bankrupts, and that the coſt of this application may be paid out of the ſaid bankrupts' eſtate and effects; but if your Lordſhip ſhall be of opinion that your petitioner's ſaid debts are not joint debts of the ſaid bankrupts, but that any part thereof is the ſeparate debt of either of the ſaid bankrupts, then that ſeparate accounts may be directed to be taken as part of the joint and ſeparate eſtates of the ſaid bankrupts, and that ſo much of your petitioner's ſaid debt as ſhall appear to be (if any) a ſeparate debt of the ſaid bankrupts, may be paid to your petitioner in proportion with their other ſeparate creditors, and that the uſual directions may be given for that purpoſe.

And your petitioner ſhall ever pray, &c.

In

In the matter of W. T. late of in the county of a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of A. P. of in the county of widow and executrix of D. P. late of aforeſaid, deceaſed, who was one of the creditors of the ſaid W. T.

Sheweth,

THAT your petitioner preferred her petition in this honourable court on the day of in the year 17 therein ſtating, amongſt other things, that the ſaid W. T. before he became bankrupt, was indebted to the ſaid D. P. by bond, in the ſum of with an arrear of intereſt due thereon; and the ſaid W. T. being a creditor for on the eſtate of one T. R. a bankrupt, the ſaid W. T. before he committed any act of bankruptcy, for better ſecuring to the ſaid D. P. the payment of the ſaid debt of and intereſt, executed to the ſaid D. P. a letter of attorney, empowering him to receive the dividends which ſhould become due to him in reſpect of his ſaid debt from the eſtate of the ſaid T. R. and by an indorſement on the ſaid letter of attorney, the ſaid W. T. aſſigned all his intereſt in the ſaid dividends to the ſaid D. P. and the ſaid D. P. thereby agreed, that on receiving his principal intereſt and coſts out of ſaid dividends, he would cancel or deliver up his ſecurity for the ſaid

AND your petitioner further ſhewed unto your Lordſhip, That the ſaid W. T. after the execution of the ſaid letter of attorney and aſſignment, became bankrupt; and a commiſſion of bankrupt having iſſued againſt him, he was thereupon found and declared a bankrupt, and an aſſignment of his eſtate and effects was made to W. G. then of in the county of and T. B. of in the ſaid county of

AND your petitioner further ſhewed unto your Lordſhip, that a dividend had then lately been declared

clared and made of the effects of the ſaid T. R. and that the ſum of being a dividend upon the ſaid debt for aſſigned as aforeſaid to the ſaid D. P. had been received by the ſaid W. G. and T. B. or was retained by S. R. the ſolicitor employed in taking out the ſaid commiſſion of bankruptcy iſſued againſt the ſaid W. T. which your petitioner had a right to receive as executrix of the ſaid D. P. deceaſed.

AND therefore prayed your Lordſhip to order that the ſaid ſum of ſhould be paid to your petitioner, in payment of the ſum of and all the arrears of intereſt due thereon, as far as the ſame would extend; and that your petitioner might be a creditor to prove what ſhould remain due as a debt under the commiſſion of the ſaid W. T. your petitioner being ready, and thereby offering, on payment thereof, to cancel or deliver up the ſaid bond, and all other ſecurities in her poſſeſſion, which were given by the ſaid W. T. to the ſaid D. P. for ſecuring the ſaid and intereſt.

AND your petitioner further ſheweth unto your Lordſhip, That the ſaid S. R. of in the county of ſolicitor to the ſaid commiſſion of bankrupt, being made a party to the ſaid petition, did make an affidavit againſt W. T. admitting (amongſt other things) that he had, on the then laſt, received of the aſſignees of the ſaid T. R. the ſum of as and for a dividend made on the ſaid debt of for the purpoſe of paying the ſame over to the ſaid aſſignees of the ſaid W. T.

AND your petitioner further ſheweth, That by an order, bearing date the day of 17 made on the hearing of the ſaid petition and affidavit, your Lordſhip was pleaſed to order that after deducting the ſum of for money paid to one R. R. the reſidue of the ſaid ſum of amounting to ſhould be paid to your petitioner towards ſatisfaction of the ſaid debt of and intereſt due thereon, and that your petitioner ſhould be admitted a creditor under the commiſſion of bankrupt iſſued againſt the ſaid W. T. for what ſhould then remain due to her for her ſaid debt, and be paid

out of the eſtate of the ſaid bankrupt a dividend or dividends in reſpect thereof, rateably and in equal proportion with the reſt of his creditors, as by the ſaid petition and affidavit duly filed of record, relation being thereunto had, will more fully appear.

And your petitioner further ſheweth unto your Lordſhip, That your petitioner hath applied to the ſaid S. R. to pay the ſaid ſum of to your petitioner, in purſuance of ſuch order, who hath refuſed or declined to pay the ſame to your petitioner, and ſtill retains the ſame in his hands, notwithſtanding he hath had a copy of ſuch order delivered to him; and the ſaid ſum of remains unpaid to your petitioner.

Your petitioner therefore humbly prays your Lordſhip, to order the ſaid S. R. the ſolicitor to the commiſſion of bankrupt iſſued againſt the ſaid W. T. to pay to your petitioner the ſaid ſum of now remaining in his hands, and unpaid, to your petitioner; and alſo that the ſaid S. R. may pay to your petitioner the coſts of this her application.

And your petitioner ſhall ever pray, &c.

In the matter of H. K. a bankrupt.

To the Right Hon. the Lord High Chancellor *of* Great Britain.

The humble Petition of T. C. and K. H. truſtees of the joint eſtate and effects of A. M. and J. H.

Sheweth,

That in 17 the ſaid A. M. and J. H. became jointly concerned in the purchaſe of a ſhip

ſhip called the Thames, and in the loading her with a cargo of proviſions and ſtores, which they agreed to ſend as an adventure upon their joint and equal account in profit and loſs, to the Weſt-Indies, and back again to London, and that the ſaid J. H. ſhould go as maſter of the ſaid ſhip on the ſaid voyage.

THAT the ſaid A. M. and J. H. accordingly purchaſed goods, proviſions, and ſtores for the cargo and outfit of the ſaid ſhip, and the ſaid J. H. ſailed therein to St. Lucia in the Weſt-Indies.

THAT the ſaid J. H. ſold part of the ſaid cargo at St. Lucia; but not finding a ſale for the remainder, he, in 17 left the ſame in the hands of J. B. a broker there, and agent to Meſſrs. D. and D. with directions to ſell the ſame, and remit the produce to him the ſaid J. H. in London.

THAT that the ſaid J. H. while he was in the Weſt-Indies, and after his coming from thence, the ſaid J. B. received part of the produce of the ſaid cargo, and made remittances on account thereof to the ſaid J. H.

THAT the ſaid ſhip Thames being loaded with a cargo for her voyage back to London, was, in her return home, taken by an American privateer, and carried into Boſton, and there condemned.

THAT from the loſs of the ſaid ſhip, and other misfortunes, the ſaid J. H. became inſolvent; and in 17 aſſigned all his ſeparate eſtate and effects to truſtees for his ſeparate creditors.

THAT the ſaid A. M. and J. H. being unable to pay the debts due to their joint creditors, by indenture, dated 17 aſſigned over all their joint eſtate and effects to your petitioners, in truſt for themſelves and all other their joint, who, in conſideration thereof by that deed releaſed them from the payment of their ſaid joint debts.

THAT the the ſaid A. M. being indebted in his ſeparate capacity to the ſaid Meſſrs. D. and D. in the ſum of they, upon hearing of A. M's failure, poſ-

ſeſſed

ſeſſed themſelves of effects belonging to A. M of the value of and have ever ſince kept the whole of the ſum in diſcharge of the debt of due from A. M. to them as aforeſaid, and they refuſe even to account for the ſurplus, though frequent applications have been made to them for that purpoſe.

THAT in 17 the ſaid A. M. being conſiderably indebted on his ſeparate account, a commiſſion of bankruptcy was awarded and iſſued againſt him, an aſſignment of his ſeparate eſtate was made to W. C. J. B. and T. B. who had been choſen to be aſſignees thereof.

THAT at the time of iſſuing the ſaid commiſſion there was a ballance of due from the ſeparate eſtate of the ſaid A. to the joint eſtate of the ſaid A. and M.

THAT your petitioners are adviſed that they, as truſtees of the joint eſtate of the ſaid A. M. ought to receive a like dividend out of the ſeparate eſtate of the ſaid A. for the ſaid ſum of as the ſaid D. D. would have been entitled to in caſe they had not proved their debt under the commiſſion againſt the ſaid A. and alſo a dividend on the ſaid ſum of out of the ſaid A.'s ſeparate eſtate in proportion with his other ſeparate creditors.

THAT no dividend has yet been declared under the ſaid commiſſion againſt the ſaid A.

YOUR petitioners therefore humbly pray your Lordſhip that they may be at liberty to go before the commiſſioners named in the ſaid commiſſion againſt the ſaid A. and prove the ſaid ſums of and as debts due to them from the ſaid A.'s ſeparate eſtate, and receive a dividend on both the ſaid ſums for the benefit of the joint creditors of the ſaid A. and

M. or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes as to your Lordſhip ſhall ſeem meet.

And your petitioners ſhall ever pray, &c.

In the matter of L. W. and L. K. againſt whom a commiſſion of bankrupt hath been awarded and now in proſecution.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of the ſaid L. W.

Sheweth,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date at Weſtminſter the day of laſt, upon the petition of W. P. of in the county of and M. his wife, and J. C. of in the county of and S. his wife, adminiſtrators and adminiſtratrixs of J. S. late of London was awarded and iſſued againſt your petitioner jointly with the ſaid L. K. by the names and deſcriptions of L. W. and L. K. of London and co-partners, which commiſſion was directed to J. E. F. H. W. R. A. eſquires, S. O. and W. T. gentlemen, as commiſſioners to execute the ſame.

THAT your petitioner hath been declared a bankrupt jointly with the ſaid L. K. his co-partner, by the major part of the ſaid commiſſioners acting under the ſaid commiſſion, and by ſummons under their hand and alſo by notice in the London Gazette of the day of 17 was required to ſurrender himſelf to the ſaid commiſſioners or the major part of them at Guildhall, London, to be examined by them on the firſt and fourteenth days of then next reſpectively, at ten of the clock in the forenoon on each of the ſaid days,

days, touching the diſcloſure and diſcovery of his eſtate and effects; and on the day of next enſuing, your petitioner is by ſuch ſummons and notice required to finiſh his examination under the ſaid commiſſion.

THAT your petitioner hath not at any time committed any act of bankruptcy within the true intent and meaning of the ſtatute made in the fifth year of the reign of his late majeſty king George the ſecond, or any other ſtatute now in force concerning bankrupts, ſo as to make him liable to the ſaid commiſſion ſo awarded and now in proſecution againſt him jointly with the ſaid L. K. as aforeſaid.

YOUR petitioner therefore moſt humbly prays that in conſideration of the premiſes, your Lordſhip will be pleaſed to order the ſaid commiſſion, which is ſo improvidently iſſued as aforeſaid, to be ſuperſeded at the expence of the ſaid W. P. and M. his wife, J. C. and S. his wife, the petitioning creditors, and that the bond which has been entered into by the ſaid W. P. and M. his wife J. C. and S. his wife, may be aſſigned to your petitioner; or that your Lordſhip will be pleaſed to order and direct one or more iſſue or iſſues to try the validity of the ſaid commiſſion, or that your Lordſhip will be pleaſed to make ſuch other order in the premiſes for the relief of your petitioner as to your Lordſhip ſhall ſeem meet.

And your petitioner as in duty bound ſhall ever pray, &c.

Of preſenting Petitions, Filing Affidavits, Obtaining Orders, &c.

ALL petitions in bankruptcy are to be engroſſed on treble ſixpenny ſtamped paper, and carried to the ſecretary of bankrupt's office for the Lord Chancellor's fiat for the parties' attendance, which is generally in the following form,

th of 17

Let the parties concerned,
or their agents, attend me,
on the matter of this petition,
upon the next day of petitions:
Hereof give notice forthwith.
THURLOW, C.

When the petition is ſigned, which is uſually in a day or two after leaving it, you apply for it, and pay 13s. 6d. having a copy of ſuch petition upon unſtamped paper, which muſt be left on taking away the original. Petitions are required to be ſerved on all proper parties at leaſt two clear days before the appointed day of hearing the petition (but in the country a much longer notice is neceſſary) by delivering copies on unſtamped paper to the perſon concerned,

concerned, or leaving ſuch copy with a wife, ſervant, &c. at their dwelling-houſe or laſt place of abode. An affidavit of which ſervice, the affidavit of facts in ſupport of the petition, together with all other affidavits in the matter, muſt be filed at the ſecretary's office, copies of which are there made on treble ſixpenny ſtamped paper, and marked with the office ſeal. This muſt always be done before the affidavits can be read in court, for which is paid according to the length, for the firſt ſheet 2s. and for every ſubſequent ſheet 8d. (ninety words to the ſheet.)

Form of an Affidavit of the Service of a Petition.

In Chancery.

In the matter of E. R. a bankrupt.

J. L. of in the county of gentleman, maketh oath, that he this deponent did on the day of inſtant, ſerve T. A one of the aſſignees of the ſaid bankrupt L. K. and W. T. aſsignees of the eſtate and effects of the ſaid T. A. and T. S. with a petition preferred by J. B. of aforeſaid, builder, the other aſsignee of the eſtate and effects of the ſaid E. R. the bankrupt in this matter, to the right honourable the Lord High Chancellor of Great Britain, with his Lordſhip's order thereon, bearing date the day of the ſaid month of whereby it was ordered that the parties concerned, or their agents, attend his Lordſhip on the matter of the ſaid petition upon the next day of petitions, whereof notice was forthwith to be given in manner following, that is to ſay, by perſonally delivering to the ſaid T. A. L. K. W. T. and T. S. reſpectively, a true copy of the ſaid petition and order thereon, and at the ſame time ſhewing them reſpectively the ſaid original petition and order thereon; and this defendant further ſaith that the ſaid L. K. and W. T.

W. T. are the aſſignees of the eſtate and effects of the ſaid T. A. as this deponent hath been informed and believes,

J.— L.—

Sworn at in the county of this day of in the year of our Lord, one thouſand ſeven hundred and before me,

T. H.

A Maſter Extraordinary in Chancery.

In the affidavit of the ſervice of a petition, it frequently happens that inſtead of the above form, the words (petition hereunto annexed) are inſerted, which ſhould always be avoided, as it ſubjects the petition to be filed with the affidavit, which is an unneceſſary expence. It is proper that affidavits ſhould be filed as long a time before the day of petitions as poſſible, that each party may have time to take copies, and file further affidavits. Where it becomes neceſſary to file affidavits cloſe upon the hearing of a petition, it will be proper (or at any period of the buſineſs) for the ſollicitor or his clerk to carry copies with the original to the office, and the clerk there will mark the copy with the office ſeal, which will then be ready to be read in court, and ſave the time it would neceſſarily take for the office to copy them. After the petition is heard, the order muſt be beſpoke at the ſecretary's office, for which you pay 17s. 6d. beſides the duty; theſe orders are all entered in the books at the office and ſigned by the Lord Chancellor, copies of which may be had, or the minutes of any ſuch order.

When an order is made by the Lord Chancellor for the payment of money, or any other matter therein directed, and which ſhall have been duly ſerved, and the party bound by ſuch order do not obey the directions therein; to inforce the ſame, a petition muſt be carried to the office, with an affidavit of the facts, praying that within fourteen days (the uſual time given) after being ſerved with the order then to be obtained, which you will have

of

of courſe (without a hearing) if the party do not perform the directions of the former order, that he, A. B. the party, may ſtand committed to his Majeſty's priſon of the Fleet for his contempt. This order being obtained, muſt be ſerved on the party, and on non-compliance you muſt prepare another petition and affidavit, ſtating ſuch neglect and refuſal, and pray that a warrant may iſſue for his or their commitment to the Fleet for ſuch contempt. You will then obtain an order for the warrant and the partys' commitment, which you carry as directed to the Warden of the Fleet or his deputy, and they will take them into cuſtody, and there remain without bail or mainprize, until they have complied with the directions of the firſt order, together with payment of all the coſts of ſuch ſeveral applications.

Form of the Warrant of Commitment.

In the matter of W. V. a bankrupt.

WHEREAS by my order made in this matter, dated the day of upon the petition of the petitioners, it was ordered that J. S. in the ſaid order named, ſhould ſtand committed to his Majeſty's priſon of the Fleet for his contempt in the ſaid order mentioned; and that a warrant for his commitment ſhould iſſue accordingly. Theſe are therefore in purſuance of the ſaid order, to will and require you forthwith upon receipt hereof, to make diligent ſearch after the body of the ſaid J. S. and whereſoever you ſhall find him, to arreſt and apprehend him, and to carry him to his Majeſty's priſon of the Fleet, there to remain until further order; willing and requiring all mayors, ſheriffs, juſtices of the peace, conſtables, headboroughs, and all other his Majeſty's officers and loving ſubjects, to be aiding and aſſiſting to you in the due execution of the premiſes, as theſe tender his Majeſty's ſervice, and will anſwer the contrary hereof at their peril: And this ſhall be to you, or any of you, who ſhall do the ſame, a ſufficient warrant, dated this day of in the

the year of our Sovereign Lord King George the third, and in the year of our Lord Chriſt 17

To

J. E. eſq. Warden of the Fleet priſon, or his deputy attending the High Court of Chancery, and alſo to all his Majeſty's juſtices of the peace, mayors, ſheriffs, bailiffs, conſtables, headboroughs, and all other officers whom it may concern.

Order for Striking Docquets.

LORD CHANCELLOR.

The 12th day of February, 1774.

Ordo Curiæ.

There having been of late many commiſſions of bankruptcy fraudulently taken out with intent to deceive honeſt creditors, whereby the good intent of the bankrupt laws has been in ſome meaſure defeated; in order to prevent as far as may be the like frauds and miſdoings for the future, I do hereby order and direct the ſecretary for the commiſſions of bankruptcy forthwith to ſignify to the gentlemen named in the ſeveral ſtanding liſts of commiſſioners, that it is my deſire and recommendation to them to be careful in examining into the reality of the debts of the petitioning creditors coming to prove their debts under the commiſſion. And in caſe it be a ſingle commiſſion, to enquire whether the bankrupt was concerned in any and what partnerſhip at the time of his bankruptcy? And in caſe the ſame be a joint-commiſſion, then to enquire of how long ſtanding the partnerſhip has been? And whether any ſeparate commiſſion has before iſſued and be then depending againſt either, and which of

of the ſaid partners? And that they do likewiſe in all caſes enquire whether the bankrupt ever, and how long before, had obtained a certificate under any former commiſſion, or been diſcharged under any act for the relief of inſolvent debtors? And in caſe, upon ſuch enquiries, they have reaſon to apprehend, that the bankrupt in a ſingle commiſſion has been concerned in any partnerſhip, or that a ſeparate commiſſion has before iſſued againſt either of the bankrupts in a joint-commiſſion; or that the bankrupt has before obtained his certificate under a former commiſſion; or been diſcharged by any act for the relief of inſolvent debtors; that the commiſſioners do proceed upon ſuch enquiry, and to hear the evidence thereon in the preſence of the bankrupt, who is to be informed of the ſubject of the enquiry, and to be at liberty to lay evidence before them relating thereto; and in caſe any of the matters aforeſaid do appear to them, that they do, at the time of making their certificate, alſo ſeparately certify to me, ſuch of the aforeſaid matters as they find to be true. And that they tranſmit ſuch ſeparate certificate to the ſecretary of bankrupts, to be laid before me at the ſame time with the other certificate. I do alſo order, That when any commiſſion is applied for, the ſecretary do examine whether any previous application has been made, and by whom, for a commiſſion againſt the ſame perſon, and that he do give notice thereof by letter to the commiſſioners to whom the commiſſion is directed, that they may enquire into the ſame. I do further order, that when any certificate is brought to the ſecretary, in order for him to get my allowance thereof, he do ſearch for and certify to me, whether he can find any previous certificate having been before allowed to the ſame bankrupt. I do alſo order, that where any commiſſion has iſſued, and the commiſſioners have not found the perſon againſt whom iſſued to be a bankrupt, in caſe another commiſſion be granted (whether on the petition of the ſame or any other creditor) the ſecretary do take care that ſuch ſecond commiſſion be directed

to the ſame commiſſioners to whom the firſt commiſſion was directed. I do alſo order, that the ſecretary do never deliver out any affidavit made, or bond given, by any petitioning creditor, without my particular order for his ſo doing. And laſtly, I do order and declare, That a docquet being ſtruck, and no commiſſion iſſued thereon, ſhall in no caſe prevent the iſſuing of a commiſſion on the petition of any other creditor, ſo as ſuch ſecond application be not made in leſs than four days after ſuch docquet ſtruck, excluſive of the day of ſtriking the ſame, any former practice to the contrary notwithſtanding.

APSLEY, C.

Of Striking the Docquet.

THE firſt ſtep to be taken towards ſuing out a commiſſion of bankruptcy, is for the creditor to apply to his attorney or ſolicitor, and he will draw up an affidavit on a treble ſixpenny ſtamp as follows:

Petitioning Creditor's Affidavit.

JOHN SMITH, of Leadenhall-ſtreet, in the city of London, warehouſeman, maketh oath and ſaith, That John Brown, of the Strand, in the county of Middleſex, haberdaſher, dealer, and chapman, is juſtly and truly indebted to this deponent in the ſum of one hundred pounds and upwards, and that the ſaid John Brown is become bankrupt within the true intent and meaning of ſome or one of the ſtatutes made and now in force concerning bankrupts, as this deponent hath been informed and verily believes.

JOHN SMITH, Sworn at the Public Office, the day of 17 before P. H.

THIS affidavit is ſworn before a Maſter in Chancery, at the Public Office in Symond's Inn, Chancery-Lane, or at a Maſter's dwelling-houſe. It is then taken to the ſecretary

ſecretary of bankrupts' office, in Bell-yard, where the creditor enters into a bond to the Great Seal as follows:

KNOW ALL MEN by theſe preſents, that I John Smith, of Leadenhall-ſtreet, in the city of London, warehouſeman, am held and firmly bound to the Right Honourable Lord Thurlow, Lord High Chancellor of Great Britain, in the ſum of two hundred pounds of good and lawful money of Great Britain, to be paid to the ſaid Lord Chancellor, or to his certain attorney, executors, adminiſtrators, or aſſigns; to which payment well and truly to be made, I bind myſelf, my heirs, executors, and adminiſtrators, firmly by theſe preſents, ſealed with my ſeal; dated the day of in the year of the reign of our ſovereign Lord King George the Third, and the year of our Lord one thouſand ſeven hundred and

THE CONDITION of this obligation is ſuch, that if the above bound John Smith ſhall prove as well before the major part of the commiſſioners to be appointed in a commiſſion of bankruptcy againſt John Brown, of the Strand, in the county of Middleſex, haberdaſher, dealer, and chapman, as upon a trial at law, in caſe the due iſſuing forth of the ſaid commiſſion ſhall be conteſted and tried, that the ſaid John Brown is juſtly and truly indebted to the ſaid John Smith in the ſum of one hundred pounds, or upwards, and is become bankrupt within the true intent and meaning of the ſtatutes made and now in force concerning bankrupts, ſome or one of them; and if the ſaid John Smith ſhall cauſe the ſaid commiſſion to be executed according to the directions of an act parliament made in the fifth year of the reign of his late Majeſty King George the Second, intitled, "An act to prevent the committing of frauds by bankrupts;" then this obligation to be void,

Sealed and delivered (being firſt duly ſtamped) in the preſence of A. B. C. D. JOHN SMITH, (L.S.)

THIS bond is provided at the office, and when executed by the creditor, is witneſſed by the clerk, likewiſe by the attorney or his clerk attending the creditor, who pay two guineas. Theſe papers are left and remain at the office, and are entered in the books, which is called *ſtriking the docquet*. The commiſſion muſt be ordered to be ſealed within four days after ſtriking the docquet, or any other creditor may apply and ſue out a commiſſion. It is the cuſtom when a commiſſion is ordered at the office to be ſealed, to pay the fees. The petition is always provided by the office, and is conſtantly annexed to the commiſſion when it is paſſed the great ſeal. The commiſſion is delivered at the office in a tin box, with the following bill of fees:

Commiſſion, John Brown.

	£.	s.	d.		£.	s.	d.
Bond and duty	0	9	6	If at a private ſeal,			
Petition and duty	0	7	0				
Secretary's fee and filing affidavit	1	2	0		1	3	0
Commiſſion and hanaper fee	4	18	2		4	18	8
Deputy ſecretary	0	5	0	private ſeal	2	2	0
Box	0	1	6				
	7	3	2				

IF the creditor do not proceed to ſue out a commiſſion, upon applying to the clerk, he will return half a guinea, which is called the drawback.

HAVING got the commiſſion ſealed, or whilſt the commiſſion is preparing and ſealing, ſpeak to your meſſenger to be ready to ſummon the commiſſioners. The commiſſion is directed to five commiſſioners (as they come in courſe in the liſt of commiſſioners, if to be executed in London) two or more of whom are barriſters;

riſters; and the meſſenger being informed of their names at the office, will ſummon any three of them to meet as can attend: the firſt meeting is uſually at a tavern or a coffee-houſe.

THE form of the proceedings on a commiſſion of bankrupt where the clerk to the commiſſion has not time to write or draw them out, may be had at any of the law ſtationers ready printed; which render the buſineſs eaſy, having nothing more than the blanks to fill up, which ſometimes, eſpecially on the opening of a commiſſion where it is of great moment to gain poſſeſſion of the bankrupt's effects, it is neceſſary and ſaves a great deal of time.

AT this private meeting the clerk to the commiſſion attends with the petitioning creditor who is to prove his debt, and the neceſſary witneſſes to prove the trading and act of bankruptcy; theſe points being eſtabliſhed to the ſatisfaction of the commiſſioners, they will ſign their warrant to the meſſenger, by virtue whereof he enters the bankrupt's houſe, &c. and holds poſſeſſion of all his books and effects wherever he can find them, until the choice of aſſignees. The commiſſioners then proceed to appoint the three ſeveral meetings under the commiſſion, and ſign the ſummons for the bankrupt to ſurrender, which the meſſenger takes with him and delivers to the bankrupt, that he may be protected; to conſtitute the petitioning creditor's debts, the bankrupt muſt be indebted to one perſon in 100l. or upwards, to two perſons in 150l. or upwards, and being indebted to three or more in 200l. their ſeveral names and the amount of the debts due to them, their partners' names (if any) muſt be inſerted in the affidavit and bond.

ALL commiſſions of bankrupt where the trader lives within forty miles of London, are executed at Guildhall, London: but if a commiſſion is intended to be executed in the country, it muſt be ſo expreſſed in the affidavit and bond, as follows:

(On a treble ſix-penny ſtamped ſheet of paper.)

A. B. of the city of Briſtol, merchant, and C. D. of the ſame place, banker, ſeverally make oath and ſay; And firſt this deponent A. B. for himſelf ſaith, that John Smith, of High-ſtreet in the city of Briſtol, linen draper, dealer and chapman, is juſtly and truly indebted unto him, this deponent, and to W. F. of the ſaid city of Briſtol, this deponent's partner in trade, in the ſum of eighty pounds, for goods ſold and delivered by this deponent, and his ſaid partner, to the ſaid John Smith; And this deponent C. D. for himſelf ſaith, that the ſaid John Smith is juſtly and truly indebted unto him, this deponent, and to W. C. and F. Y. of the ſaid city of Briſtol, this deponent's partners in trade, in the ſum of ſeventy pounds ten ſhillings, for money lent and advanced by this deponent and his ſaid partners to the ſaid John Smith, for which ſaid ſum of ſeventy pounds ten ſhillings, he, this deponent nor his ſaid partners have not received any ſecurity or ſatisfaction, ſave and except a promiſſory note under the hand of the ſaid John Smith, for the ſaid ſum of ſeventy pounds ten ſhillings, long ſince due and unpaid. And both theſe deponents ſay, that they verily believe the ſaid John Smith is become a bankrupt within the true intent and meaning of ſome or one of the ſtatutes made and now in force concerning bankrupts, and theſe deponents further ſay, that the commiſſion; when obtained, is intended to be executed in the ſaid city of Briſtol, or within ten miles of the ſame, and not within forty miles of the city of London.

A. B.
C. D.

Sworn at the city of Briſtol by both deponents this day of 17 before me, Jacob Kirby, a Maſter Extraordinary in Chancery.

(On

(On a ſix ſhilling ſtamped ſheet of paper.)

KNOW ALL MEN by theſe preſents, That we A. B. and W. F. of the city of Briſtol, merchants and partners; C. D. W. C. and F. Y. of the ſaid city, bankers and partners, are jointly and ſeverally held and firmly to the right honourable Edward Lord Thurlow, Lord High Chancellor of Great Britain, in the ſum of 300l. of good and lawful money of Great Britain, to be paid to the ſaid Lord Chancellor, or to his certain attorney, executors, adminiſtrators, or aſſigns, for which payment well and truly to be made, we bind ourſelves and each of us, our, and each of our heirs, executors, and adminiſtrators, firmly by theſe preſents, ſealed with our ſeals, dated the day of in the twenty-eighth year of the reign of our ſovereign Lord, king George the third, and in the year of our Lord one thouſand ſeven hundred and eighty

THE CONDITION of this obligation is ſuch that if the above bounden A. B. W. F. C. D. W. C. and F. Y. ſhall prove as well before the major part of the commiſſioners to be appointed in a commiſſion of bankruptcy againſt John Smith, of High Street, in the city of Briſtol, linen draper, dealer and chapman, as upon a trial at law, in caſe the due iſſuing forth of the ſaid commiſſion ſhall be conteſted and tried, that the ſaid John Smith is juſtly and truly indebted to the ſaid A. B. and W. F. C. D. W. C. and F. Y. in or upwards, and is become bankrupt within the true intent and meaning of the ſtatutes made and now in force concerning bankrupts, ſome or one of them; and if the ſaid A. B. W. F. C. D. W. C. and F. Y. ſhall cauſe the ſaid commiſſion to be executed according to the directions of an act of parliament made in the fifth year of the reign of his late majeſty, king George the ſecond, intituled "an act to prevent the committing of frauds by bankrupts," at the city of Briſtol,

Briſtol, aforeſaid, or within ten miles of the ſame, and not with forty miles of London, then this obligation to be void.

Sealed and delivered (being firſt duly ſtamped) in the preſence of
JACOB KIRBY.
JAMES SCOTT.

A. B. ()
()
C. D. ()
()
()

WHERE there are three or more creditors whoſe debts amount to two hundred pounds, the ſame form muſt be obſerved, ſpecifying the ſums due to each, and deſcribing partners, if any; one partner may always ſwear the affidavit for the reſt, and execute the bond. As ſoon as the affidavit and bond to ground a commiſſion are executed, the attorney in the country ſends them to his agent in London, by poſt or expreſs, according to the urgency of the buſineſs; who immediately carries them to the office to ſecure the right to the commiſſion. It ſometimes happens that two or three applications are made for a commiſſion againſt the ſame perſon; the firſt in priority of courſe takes out the commiſſion.

IN all commiſſions to be executed in the country, the clerk to the commiſſion muſt ſend up the commiſſioners' names with the affidavit and bond, two of whom muſt be barriſters at law, and the other three acting attornies, whoſe reſidence ſhould be as near the place of executing the commiſſion as poſſible. A copy of the affidavit is moſtly neceſſary to be ſent with the commiſſion.

A docquet being ſtruck, does not operate as a caveat even for the four days, if any other creditor applies to the office, and gives notice, that he is ready to take out a commiſſion, the firſt applicant muſt give up the benefit of his docquet, or immediately have the docquet ſealed.

A creditor taking out a commiſſion, and holding it in his hands, and not cauſing the ſame to be opened and proceeded on, ſuch commiſſion may be ſuperſeded by any other creditor after the publication of the eighth Gazette

Gazette from the date thereof. (Vide form for that purpoſe, page 179.)

In caſe a creditor ſtrikes a docquet againſt any perſon, and the buſineſs is made up, and no commiſsion intended to be taken out thereon (as it frequently happens) it would be to the intereſt of the party againſt whom the docquet was entered, to have the ſame withdrawn by the attorney who lodged ſuch docquet: for although the papers cannot be taken out of the office, if any other creditor of the party ſhould ſearch at the office for that purpoſe, it will appear in favour of ſuch parties' circumſtances; which is done by the attorney or his clerk, writing on the back of the bond in the office, after this manner, "I do conſent to withdraw this docquet againſt the within named A. B. dated this day of 17 "

C. D. attorney for E. F.

Any Perſon by ſearching the books at the office may know if any docquet is ſtruck againſt any one, or commiſsion taken out, certificate granted, &c. &c. and for every ſuch ſearch pay one ſhilling.

So likewiſe if a commiſsion be ſealed and the parties ſettle the buſineſs, ſo that it is agreed on and not intended that ſuch commiſsion be proceeded in, it will be to the intereſt of the party againſt whom ſuch commiſsion was ſued out, to ſuperſede the ſame, which may be done of courſe, and at a little expence. [Form for which, with bill of fees for the ſame, as under.] No notice of which is to be given in the Gazette.

In the matter of A. B. againſt whom a commiſsion of bankrupt hath been lately awarded and iſſued.

To the Right Hon. the Lord High Chancellor *of* Great Britain,

The humble petition of the above named A. B.

Sheweth,

That a commiſsion of bankrupt under the great ſeal of Great Britain, was awarded and iſſued againſt your

petitioner on the petition of C. D. of bearing date at Weſtminſter the day of directed to (inſert the commiſsioners' names) as commiſsioners to execute the ſame.

THAT no proceedings whatever hath been had under the ſaid commiſsion, as by the affidavit of J. S. hereunto annexed, doth appear.

THAT ſince the iſſuing the ſaid commiſsion, your petitioner has ſettled and agreed with the ſaid C. D. all demands he had on your petitioner, and he is willing that the ſaid commiſsion ſhould be ſuperſeded, for which purpoſe he has ſigned his conſent at the foot hereof.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that the ſaid commiſsion of bankrupt ſo awarded and iſſued againſt your petitioner, be forthwith ſuperſeded, and that a writ of ſuperſedeas do iſſue for that purpoſe at your petitioner's expence.

And your petitioner ſhall ever pray. A. B.

Day of 17

I do hereby conſent to the prayer of the above petition, if your Lordſhip pleaſe to order the ſame.

C. D.

Affidavit to be annexed to the Petition.

In the matter of A. B. againſt whom a commiſsion of bankrupt hath been awarded.

JOHN SMITH of Clement's Inn, in the county of Middleſex, gentleman, maketh oath and ſaith: That a commiſsion of bankrupt on the petition of C. D. of was awarded and iſſued againſt the above named A. B. bearing

ing date the day of 17 and that no proceeding whatever hath been had under the ſaid commiſſion; and further ſaith that he this deponent did ſee C. D. ſign his name to a conſent in writing to the prayer of a petition of the ſaid A. B. to the Right Honourable the Lord High Chancellor of Great Britain, humbly praying that his Lordſhip would pleaſe to order the ſaid commiſſion to be ſuperſeded; and that the name of the ſaid C. D. ſigned and ſubſcribed to the ſaid conſent in writing, is of the proper hand writing of the ſaid C. D.

JOHN SMITH.

Sworn at the public office this day of 17 before me P. H.

Anſwering petition	12s. 6d.		
Filing Affidavit	2s. 8d.		
Order for ſuperſedeas and duty	19s.	*if at a private ſeal*	
Superſedeas	2l. 2d.		2l. 8d.
Deputy ſecretary	5s.	private ſeal	2l. 2s.
Box	1s.		
	4l. 4d.		

In the matter of A. B. againſt whom a commiſſion of bankrupt hath been awarded and iſſued.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN,

The humble petition of C. D. a creditor of the above named A. B.

Sheweth,

THAT on the ſecond day of June inſtant, a commiſſion of bankrupt under the Great Seal of Great Britain, was awarded and iſſued againſt the ſaid A. B. on the peti-

tion of E. F. of in the city of London, directed to certain commiſſioners therein named to execute the ſame.

THAT your petitioner hath cauſed the London Gazette to be ſearched from the ſaid ſecond day of June, to the twenty-ſixth day of June, both days inſtant inclusive, making together eight Gazettes, as by the affidavit of John Smith hereunto annexed doth appear, and doth not find that the ſaid A. B. hath been declared a bankrupt in any of ſuch Gazettes.

THAT your petitioner hath made an affidavit that the ſaid A. B. is juſtly and truly indebted unto him in the ſum of one hundred pounds or upwards, and is ready to enter into the uſual bond to your Lordſhip, to ground a commiſſion of bankrupt againſt the ſaid A. B. which your petitioner hereby undertakes to proſecute with effect, for the benefit of himſelf and the reſt of the creditors of the ſaid A. B.

YOUR petitioner therefore moſt humbly prays your Lordſhip will be pleaſed to order the commiſſion of bankrupt ſo awarded and iſſued againſt the ſaid A. B. to be forthwith ſuperſeded, and that a writ of ſuperſedeas do iſſue for that purpoſe, and that a new commiſſion may iſſue againſt the ſaid A. B. upon the petition of your petitioner.

And your petitioner ſhall ever pray, &c.

JOHN SMITH of Clements Inn, in the county of Middleſex, gentleman, maketh oath and ſaith, That he hath carefully ſearched the London Gazette, publiſhed from the ſecond day of June inſtant, to this day, both days incluſive, making together eight Gazettes, to ſee if a commiſſion of bankrupt iſſued againſt A. B. by the name and deſcription of A. B. of ſtreet, in the city of

of London, merchant, was inſerted in ſuch Gazettes, but does not find that the ſaid commiſſion hath been publiſhed in any of ſuch Gazettes,

JOHN SMITH.

Sworn at the public office
this day of June, 17 ,
before me P. H.

IN caſe A. takes out a commiſſion againſt B. and cannot proceed to open the ſame, becauſe B. had not committed an act of bankruptcy before the date of ſuch commiſſion, he cannot have it reſealed as uſed to be the practice, till my Lord Thurlow came to the Great Seal, who ordered that ſuch commiſſion muſt be ſuperſeded by petition of the ſaid A. praying a new commiſſion to be granted him; neither ſhould the ſame creditor have a ſecond commiſſion, unleſs he ſtated in ſuch petition, that before the date and ſuing forth thereof, he was not able to prove the ſaid B. a bankrupt, but that he was now poſſeſſed of an act of bankruptcy, having been committed by B. which act of bankruptcy is to be ſet forth in his petition, and in the affidavit accompanying the petition. A commiſſion may be reſealed if there ſhould be a miſtake in the name of a commiſſioner therein named, &c. but the original date of ſuch commiſſion will remain, the fees for which come to 1l. 6s. 10d.

Some remarks on ACTS *of* BANKRUPTCY; *and who* are *and who are* not BANKRUPTS.

DEPARTING the realm.

Withdrawing out of the king's dominions, to any foreign parts, to the intent thereby to remain, in defraud of creditors, and not returning within three months after proclamation.

Beginning to keep houſe.

Abſenting.

Abſenting.

Taking ſanctuary.

Willingly or fraudulently procuring himſelf to be arreſted.

Suffering himſelf to be outlawed.

Yielding himſelf to a priſon.

Departing from his dwelling-houſe.

Willingly or fraudulently procuring his goods, money, or chattles to be attached or ſequeſtered.

Making any fraudulent grant or conveyance of his lands or chattels.

Obtaining any protection (otherwiſe than being lawfully protected by parliament.)

Preferring unto his majeſty, or unto any of the king's courts, any petition or bill againſt his creditors, or any of them, thereby deſiring or endeavouring to compel them to accept leſs than their juſt and principal debts, or to procure time or longer [more] days of payment, than was given at the time of their original contracts.

Being arreſted for debt, after his arreſt, lying in priſon two months upon *that*, or any other arreſt or detention for debt.

Being arreſted for one hundred pounds or more, of juſt debt, after ſuch arreſt, eſcaping out of priſon.

Paying to the petitioning creditor, or delivering to him goods or ſecurity for his debt, whereby he ſhall privately have more in the pound, than the other creditors.

Neglecting to make ſatisfaction for any juſt debt to the amount of one hundred pounds, within two months after ſervice of legal proceſs, for ſuch debt, upon any trader having privilege of parliament---

Are deemed acts of bankruptcy.

An *infant*, tho' a trader, cannot be a bankrupt; for an infant can owe only for neceſſaries; and the ſtatutes of bankruptcy create no new debts, but give a ſpeedier and more effectual remedy for recovering ſuch as were before due. And no perſon can be made a bankrupt for

debts,

debts, which he is not liable at law to pay. 2 *Blackſt. c.* 31.

The daughter of a freeman of London being a *married* woman, if ſhe trades ſeparately from her huſband, may be a bankrupt. 1 *Atk.* 206.

Uſing the trade of merchandize, as by exerciſing the calling of a merchant, a grocer, mercer, or in one general word a *chapman*, who is one that buys and ſells any thing. 2 *Blackſt. c.* 31.

A *brickmaker* may be a bankrupt, becauſe the earth is manufactured, and turned into quite another thing before it is ſold. By Lord Chancellor *Camden.* Wilſon's Rep. C. B. 162.

Perſons uſing the trade or profeſſion of a ſcrivener, receiving other mens' monies or eſtates into their truſt or cuſtody, ſhall be adjudged bankrupts. 21 *Jac. c.* 19. *ſ.* 2.

Though dealing merely in ſmuggling and running of goods is an offence, and contrary to act of parliament, yet ſtill it is a trading within the meaning of the bankrupt acts, and ſuch trader is liable to a commiſſion. *Atk. Rep.* 198, 199.

But one ſingle act of buying and ſelling will not make a man a trader; there muſt be a repeated practice, and profit by it. *Id.*

Perſons who adventure any money in the Eaſt-India company, and receive their dividend in merchandize, and who ſell or exchange the ſame, ſhall not be judged thereby a merchant or trader within any ſtatute for bankrupts. 13 & 14 *C.* 2. *c.* 24. *ſ.* 3, 4.

Buying and ſelling ſtock in the public funds, or government ſecurities, will not make a man a bankrupt; the ſame being not goods, wares, or merchandiſe, within the intent of the ſtatute, by which a profit may be fairly made. 2 *Blackſt. c.* 31.

So alſo the members of the corporation of the Engliſh *linen company* (for making cambricks and lawns), ſhall not

not upon that account only be liable to bankruptcy: 4 *G.* 3. *c.* 37.

He that buys only, or ſells only, is not within this deſcription; but it muſt be both buying and ſelling, and alſo getting a livelihood by it. 2 *Blackſt. c.* 32.

By 5 *G.* 2. *c.* 30. No *farmer*, *grazier*, or *drover* of cattle, ſhall be deemed a bankrupt. *ſ.* 40——But if ſuch farmer or other ſhall deal in wool, hops, or the like, he ſhall be deemed a bankrupt; otherwiſe any perſon by taking a farm, might avoid the ſtatutes. And in the caſe of *Mayo* and *Archer*, *E.* 8 *G.* a farmer who planted potatoes, but alſo bought divers large quantities of potatoes, and ſold the ſame again, was adjudged a bankrupt. *Str.* 513.

No *handicraft occupation*, where nothing is bought and ſold, will make a man a bankrupt; as that of a huſbandman, a gardener, and the like, who are paid for their work and labour. 2 *Blackſt. c.* 31.

Alſo, an *innkeeper* cannot, as an innkeeper, be a bankrupt; for his gain or livelihood does not ariſe from buying and ſelling in the way of merchandize, but greatly from the uſe of his houſe, furniture, attendance, and the like: and tho' he may buy corn and victuals, to ſell again at a profit, yet that no more makes him a trader, than a ſchoolmaſter or other perſon is, that keeps a boarding houſe, and makes conſiderable gains by buying and ſelling what he uſes in the houſe, and ſuch an one is clearly not within the ſtatutes. *Id.*

But where perſons buy goods, and make them up into ſaleable commodities, as *ſhoemakers*, *ſmiths*, *bakers*, and the like; here, tho' part of the gain is by bodily labour, and not by buying and ſelling, yet they are within the ſtatutes of bankrupts: for the labour is only in melioration of the commodity, and rendering it more fit for ſale. *Id.*

But where a perſon bought a *coal mine*, and worked the mine, and ſold the coals, he was adjudged not to be within the ſtatutes for bankrupts: But it would have been

been otherwiſe if he had bought the coals and ſold the ſame again. 2 *Wilſon* 369.

Bankers, brokers, and factors are within this deſcription. 5 *G.* 2. *c.* 30. *ſ.* 39.

So alſo *pawnbrokers*, being comprehended under the general word *brokers*; which includes the ſeveral ſpecies of brokerage. 1 *Atk.* 206.

But no receiver-general of any taxes granted by act of parliament, ſhall be deemed a bankrupt. 5 *G.* 2. *c.* 30. *ſ.* 40.

If a man keeps his houſe for a long time, this doth not immediately make him a bankrupt; but if he conceals himſelf within his houſe for a day or hour, to delay or defraud his creditors, he is a bankrupt. *Bac. Abr.* 250.

It muſt be proved, that the perſon, to whom the party was denied, was a creditor. *Jackman* v. *Nightingale*, *Eaſt.* 13 *Geo.* 2 *B. R.*

If a man abſents himſelf for felony, it is an act of bankruptcy, if his creditors are thereby delayed of their juſt debts, otherwiſe not.

If a bankrupt might convey all to a favourite and friendly creditor, juſt before committing an act of bankruptcy, the whole power of ſelling his effects, calling in his debts, and ſettling his accompts, muſt be in ſuch ſingle and particular creditor; he muſt have a right even to the cuſtody of the books and papers; whereby the worſt and moſt dangerous priority would prevail, depending merely upon the unjuſt or corrupt partiality of the bankrupt. *Bur. Rep.* 447.

No man can be an evidence to prove an act of bankruptcy committed by himſelf, but he may be admitted to give evidence as to the time of the act of bankruptcy; his confeſſion to a third perſon, that he had gone out of the way, to avoid being arreſted, is evidence. *Evans* and *Gould.* 8 *Geo.* 2.

The law does not look upon perſons, whoſe debts amount to leſs than 100l. to a ſingle creditor, or two or more partners; 150l. to two creditors; or 200l. or more

to three petitioning creditors, to be traders considerable enough either to enjoy the benefit of the statutes themselves, or to invite the creditors, for the benefit of public commerce, to demand the distribution of their effects. 2 *Black. Com.* 475.

Enlarging Commissions.

IT frequently becomes necessary to enlarge the time for the bankrupt's finishing his last examination, for several reasons, viz. The bankrupt's accounts being large and intricate; being confined by illness; being at too great a distance, &c. therefore the allegations must be varied accordingly.

THE petition must be left at the secretary of bankrupt's office, six clear days before the day appointed in the Gazette for the finishing his last examination. The petition for that purpose may be in the name of the bankrupt himself, or in the names of his assignees. At the time of leaving the petition at the office, you pay 12*s.* and 6*d.* The enlargement must be advertised in the Gazette, and served on the Commissioners at the third sitting, at Guildhall in London; in the country, at the place the commissioners meet to take the bankrupt's last examination.

The

The Assignees' Petition.

In the matter of John Smith, a bankrupt.

To the Right Honourable EDWARD LORD THURLOW, LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble Petition of J. B. and C. F. assignees of the estate and effects of the said bankrupt.

Sheweth,

THAT a commission of bankrupt, under the great seal of Great Britain, bearing date at Westminster the day of last, was awarded and issued against the said John Smith, by the name and description of John Smith of Cheapside, in the city of London, linen-draper, dealer, and chapman, directed to R. G. W. B. C. B. A. O. esquires, and R. H. gentleman, as commissioners to execute the same.

THAT the said commissioners duly found and declared the said John Smith bankrupt, and by summons under their hands, and by notice in the London Gazette of Saturday the day of last, was required to surrender himself to the said commissioners or the major part of them, at Guildhall, London, to be examined on the and days of the said month of respectively on each of the said days, touching the disclosure and discovery of his estate and effects, and on the day of was required to finish his examination under the said commission.

THAT your petitioners have been duly chosen assignees of the said bankrupt's estate and effects, and find that on account of the intricacy and perplexity of the said bankrupt's accounts, he will not be able to complete the same so as to finish his last examination by the time limited by such summons and notice for that purpose,

Your petitioners therefore moſt humbly pray your Lordſhip will be pleaſed to order that the time the ſaid bankrupt's ſurrendering himſelf to the commiſſioners in the ſaid commiſſion named or the major part of them, and finiſhing his laſt examination under the ſaid commiſſion, may be enlarged for the ſpace of forty-nine days, to be computed from the ſaid day of

And your petitioners ſhall ever pray.

Bankrupt's Petition.

In the matter of John Smith a bankrupt.

To the Right Honourable EDWARD LORD THURLOW, LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of the ſaid bankrupt;

Sheweth,

THAT a commiſſion of bankrupt, under the great ſeal of Great Britain, bearing date the day of laſt, upon the petition of J. B. of Gracechurch-ſtreet, in the city of London, linen-draper, was awarded and iſſued againſt your petitioner, by the name and deſcription of John Smith, of Cheapſide, in the city of London, linen-draper, dealer and chapman, which commiſſion was directed to K. C. W. B. C. B. A. O. eſquires, and R. H. gentleman, as commiſſioners to execute the ſame,

THAT your petitioner hath been duly declared bankrupt by the major part of the ſaid commiſſioners, and by ſummons under their hands, and alſo by notice in the London

London Gazette of Tuesday the of laſt, was required to ſurrender himſelf to the ſaid commiſſioners, or the major part of them, at Guildhall London, to be examined by them on the and day of laſt reſpectively, at eleven of the clock in the forenoon, on each of the ſaid days, touching the diſcloſure and diſcovery of his eſtate and effects; and on the day of inſtant your petitioner was by ſuch ſummons and notice required to finiſh his examination under the ſaid commiſſion.

THAT your petitioner did ſurrender himſelf to the ſaid commiſſioners on the ſaid day of laſt, and on the day of , and ſubmitted to be examined touching the diſcloſure and diſcovery of his eſtate and effects, and to conform himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts.

THAT your petitioner is preparing and ſettling his accounts, in order to make a full and true diſcloſure and diſcovery of all his eſtate and effects, but finds his accounts ſo very long, intricate, and perplexed, that he cannot poſſibly finiſh the ſame by the time limited by the ſaid commiſſioners' ſummons and notice for that purpoſe.

YOUR petitioner therefore humbly prays that your Lordſhip would be pleaſed to order that the time for your petitioner's ſurrendering himſelf to the commiſſioners in the ſaid commiſſion named or the major part of them, and diſcloſing and diſcovering his eſtate and effects, and finiſhing his laſt examination under the ſaid commiſſion, may be enlarged for the ſpace of forty-nine days, to be computed from the day of inſtant.

And your petitioner ſhall ever pray.

Copy

Copy of the Order on these Petitions.

Day of 17

LET the time for the bankrupt's ſurrendering himſelf and diſcloſing and diſcovering his eſtate and effects to the commiſſioners in the ſaid commiſſion named, or the major part of them, and finiſhing his laſt examination under the ſaid commiſſion, be enlarged for the ſpace of * forty-nine days, to be computed from the ſaid day of ; but ſuch ſurrender is to be made between the hours of eleven and one of the clock of the forty-ninth day. Hereof give notice to the commiſſioners forthwith.

THURLOW, C.

Of Renewed Commiſſions.

ON the death of the major part of the commiſſioners, or the whole of them, it becomes neceſſary to have a renewed commiſſion, before any further proceedings can be had. A petition for a renewed commiſſion, with an affidavit of the death of the commiſſioners annexed, is to be engroſſed, and carried to the

* Or the time prayed for.

the secretary's office, upon which a renewed commission is obtained; which, together with the former commission, and proceedings, are laid before the new commissioners. The fees paid for it at the office are:

Answering petition	12s. 6d.
Filing Affidavit	2s. 8d.
Renewed commission	3l. 13s. 7d.
Deputy secretary	5s.
Box	1s. 6d.
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Petition for a renewed commission.

In the matter of A. B. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR OF GREAT BRITAIN.

The humble petition of J. B. of street in the city of London, merchant, a creditor of the said bankrupt;

Sheweth,

THAT upon the petition of your petitioner, a commission of bankrupt, under the great seal of Great Britain, bearing date the day of 17 was awarded and issued against the said A. B. directed to [name the commissioners] whereupon the said A. B. was duly found and declared bankrupt.

THAT several proceedings hath been had under the said commission.

THAT since the date and suing forth of the said commission [names of the commissioners] the major part of the said commissioners have departed this life, and further proceedings are wanting to be had under the said commission.

YOUR

YOUR petitioner therefore humbly prays your Lordſhip that the ſaid commiſſion may be renewed, and be directed to [names of the ſurviving commiſſioners] and to ſuch other commiſſioners as to your Lordſhip ſhall ſeem meet.

And your petitioner ſhall ever pray, &c.

THE meſſenger employed to the commiſſion is the moſt proper perſon to make an affidavit of the death of the commiſſioners, as follows:

In the matter of A. B. a bankrupt.

THOMAS VAUGHAN, of Chancery-lane, London, Gentleman, maketh oath and ſaith, That [names of the deceaſed commiſſioners], three of the commiſſioners named in the commiſſion of bankrupt, iſſued againſt the ſaid A. B. bearing date the day of 178 , are all ſince deceaſed, as this deponent hath been informed and verily believes.

THOMAS VAUGHAN.

Sworn at the Public office
this day of 178
beforeme P. H.

A renewed commiſſion is directed to the two ſurviving commiſſioners, together with three others, on the Lord Chancellor's tam quam liſt appointed for that purpoſe; but in the country, the clerk to the renewed commiſſion muſt put the names of the new commiſſioners in the prayer of the petition.

THE

Petition for a renewed commiſſion of bankruptcy in the country.

In the matter of I. G. a bankrupt.

To the Right Honourable the LORD HIGH CHANCELLOR OF GREAT BRITAIN.

The humble petition of A. B. and C. D. aſſignees of the ſaid bankrupt's eſtate and effects;

Sheweth,

THAT a commiſſion of bankruptcy, under the great ſeal of Great Britain, was, on or about the day of 17 , awarded and iſſued againſt the ſaid I. G. by the name and deſcription of I. G. of Liverpool, in the county of Lancaſter, merchant, directed to R. T. R. M. R. P. eſquires, G. E. and B. J. gentlemen, as commiſſioners to execute the ſame.

THAT your petitioners were duly choſen aſſignees of the ſaid bankrupt's eſtate and effects, and ſeveral proceedings have been had under the ſaid commiſſion.

THAT the ſaid R. T. R. M. and R. P. eſquires, the major part of the ſaid commiſſioners, are ſince deceaſed, as by the affidavit of John Smith hereunto annexed, doth appear.

THAT your petitioners have collected and got in all the outſtanding debts, and effects of the ſaid bankrupt, and are ready to make a final dividend unto and amongſt the ſaid bankrupt's creditors, who have come in and proved their debts under the ſaid commiſſion, but on account of the death of the ſaid commiſſioners, your petitioners are adviſed they cannot proceed to the making ſuch final dividend, without the ſaid commiſſion be renewed.

Your petitioners therefore moſt humbly pray your Lordſhip would be pleaſed to order that the ſaid be renewed, and directed to the ſaid G. E. and B. J. the ſaid two ſurviving commiſsioners, and to A. B. C. D. and E. F. eſquires.

And your petitioner ſhall ever pray, &c.

May 12th 178

Filing the affidavit of John Smith.—Let the ſaid commiſſion be renewed and directed to A. B. C. D. E. F. eſquires G. E. and B. J. gentlemen.

THURLOW C.

Affidavit to be annexed to the petition.

John Smith of Liverpool, in the county of Lancaſter, gentleman, maketh oath and ſaith, That R. T. R. M. and R. P. eſquires, three of the commiſsioners, named in a commiſsion of bankrupt awarded and iſſued againſt I. G. of Liverpool, aforeſaid, merchant, bearing date at Mancheſter the day of 17 are all ſince deceaſed, as this deponent hath been informed and really believes.

John Smith.

Sworn at Liverpool aforeſaid this day of May 178 before

W. L.

A maſter in chancery extraordinary.

Of

Of Superſeding Commiſſions of Bankruptcy.

Superſeding a commiſſion by conſent of creditors.

In the matter of G. P. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of the ſaid G. P. the bankrupt,

Sheweth,

THAT a commiſſion of bankrupt under the great ſeal of Great Britain, bearing date at Weſtminſter the day of 17 , was awarded and iſſued againſt your petitioner, by the name and deſcription of G. P. of in the county of Kent, butcher, dealer, and chapman, upon the petition of T. S. of in the county of , farmer, and J. G. of aforeſaid, victualler, which commiſſion was directed to certain commiſſioners therein ſpecially named and authorized, the major part of whom found and declared your petitioner a bankrupt.

THAT the ſeveral perſons whoſe names are hereunto ſubſcribed, are all the creditors of your petitioner who have proved or claimed any debts under the ſaid commiſſion, as by the certificate of the ſaid commiſſioners hereunto annexed appears; and all the ſaid creditors of your petitioner are conſenting the ſaid commiſſion ſhould be ſuperſeded, and for that purpoſe have ſignified their ſaid reſpective conſents in writing to the prayer of this petition, at the foot hereof, as by affidavit alſo annexed appears.

YOUR petitioner therefore moſt humbly prays your Lordſhip will be pleaſed to order the ſaid commiſſion of bankrupt, awarded and againſt your petitioner aforeſaid, be ſuperſeded, and that a writ of ſuperſedeas forthwith iſſue for that purpoſe.

And your petitioner ſhall ever pray, &c. G. P.

WE whoſe names are hereunder ſubſcribed, do hereby moſt humbly teſtify and declare our conſent to the prayer of the above petition, in caſe your Lordſhip ſhall be pleaſed to grant the ſame.

Witneſs our hands the day of May 17

T. S.
J. G.
T. S.
H. L.

Affidavit.

In the matter of G. P. a bankrupt.

T. L. of in the county of gentleman, maketh oath, That he, this deponent, did on the 12th day of this inſtant May, ſee T. S. J. G. T. S. and this 14th day of May, H. L. ſeverally ſign their names to a conſent in writing, ſubſcribed to the prayer of a petition of the ſaid G. P. directed and intended to be preferred to the Lord High Chancellor of Great Britain, moſt humbly praying that his Lordſhip would be pleaſed to order that the ſaid commiſſion of bankrupt therein mentioned to have been awarded and iſſued, be immediately ſuperſeded, and that a writ of ſuperſedeas might forthwith iſſue for that purpoſe, or to that effect; and this deponent further

ther ſaith, That the names T. S. J. G. T. S. and H. L. ſigned and ſubſcribed to the ſaid conſent in writing are of the reſpective proper hand writings of the ſaid T. S. J. G. T. S. and H. L.

T. L.

Sworn this day of May 17 at the public office in Symonds-Inn before me R. W.

In the matter of G. P. a bankrupt.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

WE whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authorized in and by a commiſſion of bankrupt, bearing date at Weſtminſter the day of 17 , awarded and iſſued againſt G. P. late of in the county of , butcher, dealer, and chapman, directed to E. P. J. N. and W. C. eſquires, together with S. D. eſquire, and I. B. gentleman, do humbly certify to your Lordſhip, that we the major part of the ſaid commiſſioners on the day of the ſaid month of , having begun to put the ſaid commiſſion into execution againſt the ſaid G. P. did find that the ſaid G. P. did before the date and ſuing forth of the ſaid commiſſion, become bankrupt, within the intent and meaning of the ſeveral ſtatutes made and now in force concerning bankrupts, ſome or one of them, and did therefore declare the ſaid G. P. bankrupt accordingly, and we the ſaid commiſſioners humbly certify to your Lordſhip, that T. S. J. G. T. S. and H. L. are the only creditors of the ſaid G. P. who have proved debts under the ſaid commiſſion.

And we the ſaid commiſſioners do further certify to your Lordſhip, that we did meet purſuant to notice on the ſaid day of 17 for the proof of debts, and

and on the day of then next following, for the choice of aſsignees of the ſaid bankrupt's eſtate and effects, when no other creditors proved or claimed any debts under the ſaid commiſsion, at any of the ſaid ſittings, and that on the day of the ſaid bankrupt finiſhed his examination under the ſaid commiſsion.

Witneſs our hands this day of

E. P.
J. N.
W. C.

Of the Certificate.

Form of the Commiſſioner's Certificate of Bankrupt's conformity *.

To the Right Honourable EDWARD LORD THURLOW, LORD HIGH CHANCELLOR OF GREAT BRITAIN.

WE whoſe names and ſeals are hereunto ſubſcribed and ſet, being the major part of the commiſſioners named and authorized in and by a commiſſion of bankrupt, awarded and iſſued againſt John Smith, of Cheapſide, in the city of London, linen-draper, dealer and chapman, bearing date at Weſtminſter the day of in the year of his preſent Majeſty's reign, directed to R. C. W. B. C. B. A. O. eſquires, and R. H. gentleman, do humbly certify to your Lordſhip, that the major part of the commiſſioners, by the ſaid commiſsion

* To be engroſſed on a treble ſixpenny ſtamped ſkin of parchment.

miſſion authorized, having begun to put the ſaid commiſſion into execution, did find that the ſaid John Smith became bankrupt ſince the day of , and before the date and ſuing forth of the ſaid commiſſion, within the true intent and meaning of the ſtatutes made, and in force concerning bankrupts, or ſome of them; and did thereupon declare him bankrupt accordingly: and we further humbly certify to your Lordſhip, that the ſaid John Smith being ſo declared bankrupt, the major part of the commiſſioners by the ſaid commiſſion authorized, purſuant to the Act of Parliament made in the 5th year of the reign of his late Majeſty, King George the Second, entitled "an act to prevent the committing of "frauds by bankrupts," did cauſe due notice to be given and publiſhed in the London Gazette of ſuch commiſſion being iſſued, and of the times and place of three ſeveral meetings, of the ſaid commiſſioners, within forty-two days next after ſuch notice, the laſt of which meetings was appointed to be on the forty-ſecond day †, at which the ſaid John Smith was required to ſurrender himſelf to the ſaid commiſſioners named in the ſaid commiſſion, or the major part of them, and to make a full diſcloſure and diſcovery of his eſtate and effects; and the creditors of the ſaid John Smith were deſired to come prepared to prove their debts, and to aſſent or to diſſent from the making this certificate: And we further humbly certify to your Lordſhip, that ſuch three ſeveral meetings of the major part of the ſaid commiſſioners, by the ſaid commiſſion authorized, were had purſuant to ſuch notice ſo given and publiſhed, and that at one of thoſe meetings, the ſaid John Smith did ſurrender himſelf to the major part of the ſaid commiſſioners, by the ſaid commiſſion authorized, and did ſign or ſubſcribe ſuch ſurrender, and did ſubmit to be examined from time to time upon oath, by and before the major part of the

† If the bankrupt obtains an order for the enlargement of the time to ſurrender, ſuch order muſt be inſerted in the certificate, and the time given by the ſaid order, mentioned.

the commiſſioners by the ſaid commiſſion authorized, and in all things did conform to the ſeveral ſtatutes made and now in force concerning bankrupts, and particularly to the ſaid act made in the fifth year of his ſaid late Majeſty's reign. And we further humbly certify to your Lordſhip, that at the laſt of the ſaid three meetings, the ſaid John Smith finiſhed his laſt examination before the major part of the ſaid commiſſioners by the ſaid commiſſion authorized, according to the direction of the ſaid laſt mentioned act; and upon ſuch his examination, made a full diſcovery of his eſtate and effects, and in all things conformed himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts, and particulary according to the directions of the ſaid act made in the fifth year of his ſaid late Majeſty's reign; and there doth not appear to us any reaſon to doubt of the truth of ſuch diſcovery, or that the ſame is not a diſcovery of all the eſtate and effects of the ſaid John Smith; and we further humbly certify that the creditors whoſe names or marks are ſubſcribed to this certificate, are full four parts in five in number and value of the creditors of the above named John Smith, who are creditors for not leſs than twenty pounds reſpectively, and who have duly proved their debts under the ſaid commiſſion; and that it doth appear to us by due proof, by affidavit in writing, that ſuch ſeveral ſubſcribing creditors, or ſome perſon by them reſpectively duly authorized thereunto, did, before our ſigning thereof, ſign this certificate, and teſtify their conſent to our ſigning the ſame; and to the ſaid John Smith his having ſuch allowance and benefit as by the ſaid laſt mentioned act are allowed to bankrupts, and to the ſaid John Smith his diſcharge in purſuance of the ſaid laſt mentioned act. In witneſs whereof we have hereunto ſet our hands and ſeals this day of in the year of the reign of and the year of our Lord one thouſand ſeven hundred and

We the creditors of the above named John Smith, whoſe names or marks are hereunto ſubſcribed, do hereby teſtify and declare our conſent that the major part of the commiſſioners by the above named commiſſion authorized, may ſign and ſeal the certificate above written, and that the ſaid John Smith may have ſuch allowance and benefit as are given to bankrupts by the act of parliament laſt above mentioned, and the ſaid * John Smith his diſcharge in purſuance of the ſame act.

Charles Bragge ()
Arthur Onſlow ()
Robert Haſſell ()

John Brown, *Charles Scott* } *Aſſignees*
Thomas Smith
William Grant
Peter Murray, for ſelf and partner
John Emery, for Samuel Newton by letter of attorney
Thomas Riley
Edward Warner

Affidavit of ſeeing creditors ſign their conſent to the certificate

In the matter of John Smith a bankrupt.

A. B. of maketh oath and ſaith, That he did ſee John Brown of Charles Scott of aſſignees of the ſaid bankrupt's eſtate and effects, Thomas Smith of William Grant of Peter Murray of for himſelf and Charles Murray his partner, John Emery of by virtue of a power of attorney from Samuel Newton of Thomas Riley of and Edward Warner of ſeverally ſubſcribe their reſpective names to a conſent at

* In caſes of partnerſhip, where all the partners are to be diſcharged by a joint certificate, the names and deſcriptions of the parties are to be carried through the form of the certificate; but as it often happens that the creditors will give a ſeparate certificate only to one of the partners, the name of ſuch partner muſt be here inſerted.

the foot of a certain inſtrument in writing, intended to be a certificate under the hands and ſeals of the major part of the commiſſioners named and authorized in and by a commiſſion of bankrupt awarded and iſſued againſt J. S. of Cheapſide in the City of London, linen-draper, dealer and chapman, that the ſaid John Smith hath in all things conformed himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts, whereby they do ſeverally teſtify and declare their conſent to the ſaid commiſſioners ſigning and ſealing the ſaid certificate; and that the ſaid John Smith may have ſuch allowance and benefit as are given to bankrupts by an act of parliament made in the fifth year of the reign of his late Majeſty King George the Second, entitled, "an act to prevent the committing of frauds by bankrupts," and be diſcharged from his debts in purſuance of the ſaid act.

A. B. Sworn at the public office, the day of 178 before me,

Affidavits of two perſons ſeeing creditors ſign.

A. B. of and C. D. of ſeverally maketh oath as follows: and firſt this deponent A. B. for himſelf ſaith, That he was preſent and did ſee John Brown of William Grant of Peter Murray of for himſelf and Charles Murray his partner, ſeverally ſubſcribe their reſpective names to a conſent at the foot of a certain inſtrument in writing intended to be a certificate under the hands and ſeals of the major part of the commiſſioners named and authorized in and by a commiſſion of bankrupt awarded and iſſued againſt John Smith of Cheapſide in the city of London, linen-draper, dealer, and chapman, that the ſaid John Smith hath in all things conformed himſelf to the ſeveral ſtatutes made and now in force concerning bankrupts, whereby they do ſeverally teſtify and declare their conſent to the ſaid commiſſioners ſigning and ſealing the ſaid certificate, and that the ſaid John Smith may have ſuch allowance and bene-

fit

fit as are given to bankrupts by an act of parliament made in the fifth year of the reign of his late Majesty King George the Second, intitled "an act to prevent "the committing of frauds by bankrupts," and be discharged from his debts in pursuance of the said act: And this deponent C. D. for himself saith, That he was present and did see John Emery of by virtue of a letter of attorney from Samuel Newton, Thomas Riley of and Edward Warner of severally subscribe their names to the said consent.

A. B.
C. D. Sworn at the Public office by both deponents, this day of 17 before me

Form of a general power of attorney.

KNOW all men by these presents, that I Samuel Newton of a creditor of John Smith of Cheapside, in the city of London, linen-draper, dealer, and chapman, the person against whom a commission of bankrupt is awarded and issued, and now in prosecution, and have duly proved my debt under the said commission, have made, ordained, authorized, constituted, appointed, and by these presents, do make, ordain, authorize, constitute, appoint, and in my place and stead, put John Emery of to be my true and lawful attorney, for and in my name, to vote in the choice of any new assignee or assignees of the said bankrupt's estate and effects, in case of any alteration or change of the present assignees; and also for me, and in my name, place and stead, to consent with whom the monies to be received from time to time out of the said bankrupt's estate and effects, shall remain until the same be divided; and also for me and in my name place and stead, to consent to the commissioners, in and by the said commission named and authorized,

or the major part of them, ſigning a certificate for the ſaid bankrupt's having the allowance and benefit given to bankrupts by an act of parliament made in the fifth year of the reign of his late Majeſty King George the Second, intitled "an act to prevent the committing of frauds by bankrupts," and that the ſaid bankrupt may be diſcharged from his debts in purſuance of the ſaid act: And alſo for me, and in my name, to conſent not only to the commencing of any ſuit or ſuits in equity, by the aſſignee or aſſignees under the ſaid commiſſion, touching the ſaid bankrupt's eſtate, but alſo to the ſubmitting of any diſpute or difference between ſuch aſſignee or aſſignees, or any other perſon or perſons whatſoever, for, or on account, or by reaſon, or means of any matter, cauſe or thing whatſoever, relating to the ſaid bankrupt's eſtate or effects; and likewiſe to ſuch aſſignee or aſſignees, making any compoſition with any perſon or perſons, debtors or accomptants, to the ſaid bankrupt; where the ſame ſhall appear neceſſary and reaſonable: Alſo for me and in my name, place and ſtead, and for my own proper uſe and benefit, to aſk, demand, ſue for, and receive of, and from the aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt, or whom elſe theſe preſents do, ſhall, or may concern, all and every ſum and ſums of money, as now is, or are, or ſhall hereafter become due or payable to me, for my dividend or ſhare of the eſtate and effects of the ſaid bankrupt, on my debt duly proved under the ſaid commiſſion as aforeſaid; and on receipt thereof for me, and in my name, to ſign, ſeal, execute, and deliver, all and every ſuch good and ſufficient receipts, acquittances, releaſes, and diſcharges, to the ſaid aſſignees, as ſhall and may be lawful, fit and convenient to be done; and generally to do all and every ſuch further and lawful act and deed, matters and things in the law, for the better executing and diſcharging the power and authority hereby given, as fully and amply to all intents and purpoſes, as I myſelf might or could do, if perſonally preſent

sent and did the same, hereby ratifying, allowing and confirming all and whatsoever my said attorney shall or may lawfully do, or cause to be done, in and about the said premises, for the better executing the purposes aforesaid, by virtue of these presents. In witness whereof I have to these presents set my hand and seal this day of 17

SAMUEL NEWTON, (L. S.)

Signed, sealed and delivered (being first duly stamped) in the presence of A. B. C. D.

An affidavit of the due execution of the letter of attorney must be made and annexed thereunto.

FORM.

A. B. of maketh oath, That he was present, and did see Samuel Newton of duly sign, seal, and as his act and deed, deliver, the letter of attorney hereunto annexed; and that the name, Samuel Newton, subscribed against the seal of the said letter of attorney, is of the proper hand-writing of the said Samuel Newton; and that the name of this deponent, and C. D. subscribed to the said letter of attorney, as witnesses to the execution thereof, are of this deponent's and of the said C. D.'s own proper respective hand-writings.

Sworn, &c. A. B.

Another

Another form of a general letter of attorney.

KNOW all men by theſe preſents, that we, A. B. C. D. E. F. G. H. I. K. L. M. of and N. O. P. Q. of creditors of R. S. of the perſon againſt whom a commiſſion of bankrupt is awarded and iſſued, and now in proſecution, and who have duly proved our reſpective debts under the ſaid commiſſion, have made, ordained, authorized, conſtituted, and appointed, and by theſe preſents do make, ordain, authorize, conſtitute, appoint, and in our places and ſteads reſpectively put T. U. of to be our true and lawful attorney, for and in our names reſpectively, to vote in the choice of any new aſſignee or aſſignees, of the ſaid bankrupt's eſtate and effects, in caſe of any alteration or change of the preſent aſſignees. And alſo for us and in our names, places and ſteads reſpectively, to conſent with whom the monies to be received from time to time out of the ſaid bankrupt's eſtate and effects ſhall remain until the ſame be divided. And alſo for us, and in our names, places and ſteads reſpectively, to conſent to the commiſſioners, in and by the ſaid commiſſion named and authorized, or the major part of them, ſigning a certificate for the ſaid bankrupt having the allowance and benefit given to bankrupts, by an act of parliament in the fifth year of the reign of King George the Second, intitled, "An act to prevent "the committing of frauds by bankrupts;" and that the ſaid bankrupt may be diſcharged from his debts, in purſuance of the ſaid act. And alſo for us and in our names reſpectively to conſent not only to the commencing of any ſuit, or ſuits in equity, by the aſſignee or aſſignees under the ſaid commiſſion, touching the ſaid bankrupt's eſtate, but alſo to the ſubmitting of any diſpute or difference between ſuch aſſignee and aſſignees or any perſon or perſons whatſoever, for or on account, or by reaſon, or means of any matter, cauſe, or thing whatſoever relating to the ſaid bankrupt's eſtate or effects, and likewiſe to ſuch aſſignee or aſſignees, making any compoſition

poſition with any perſon or perſons, debtors, or accomptants to the ſaid bankrupt, where the ſame ſhall appear neceſſary and reaſonable. And alſo for us and in our names, places and ſteads reſpectively, and for our own proper uſes and benefits reſpectively, to aſk, demand, ſue for, and receive of and from the aſſignee or aſſignees of the eſtate and effects of the ſaid bankrupt, or whom elſe theſe preſents do, ſhall, or may concern, all and every ſum and ſums of money, as now is or are, or ſhall hereafter become due or payable to us the ſaid A. B. &c. reſpectively, for our reſpective debts, dividends or ſhares of the eſtate and effects of the ſaid bankrupt, on our ſaid reſpective debts duly proved under the ſaid commiſſion as aforeſaid, and on receipt thereof for us, and in our reſpective names to ſign, ſeal, execute and deliver, all and every ſuch good and ſufficient receipts, acquittances, releaſes, and diſcharges to the ſaid aſſignees, as ſhall and may be lawful, fit, and convenient to be done, and generally to do all and every ſuch further and lawful act and deed, matters and things in the law, for the better executing and diſcharging the power and authority hereby given, as fully and amply to all intents and purpoſes, as we ourſelves or either of us might or could do, if perſonally preſent, and did the ſame; hereby ratifying, allowing, and confirming, all and whatſoever our ſaid attorney ſhall or may lawfully do, or cauſe to be done, in and about the ſaid premiſes, for the better executing the purpoſes aforeſaid, by virtue of theſe preſents. In witneſs whereof we the ſaid A. B. C. D. E. F. G. H. I. K. L. M. and N. O. P. Q. have to theſe preſents ſet our hands and ſeals this day of in the year of our Lord 17

Form of a letter of attorney for the purpoſe only of ſigning the certificate,

Know all men by theſe preſents, that I Samuel Newton of a creditor of John Smith of the perſon againſt whom

whom a commiſsion of bankrupt is awarded and iſſued and now in proſecution, and have duly proved my debt under the ſaid commiſsion, have made, ordained, authorized, conſtituted, and appointed, and by theſe preſents do make, ordain, authorize, conſtitute, appoint, and in my place and ſtead, put John Emery of to be my true and lawful attorney, for me and in my name, place and ſtead, to ſubſcribe his conſent to the commiſsioners in and by the ſaid commiſsion named and authorized, or the major part of them, ſigning a certificate for the ſaid bankrupt having the allowance and benefit given to bankrupts, by an act of parliament made in the fifth year of the reign of his late Majeſty King George the Second, intitled, "An act to prevent the committing of frauds by bankrupts;" and that the ſaid bankrupt may be diſcharged from his debts, purſuant to the directions of the ſaid act.

Signed, &c.

Samuel Newton. O

A general power of attorney being wanted for many purpoſes, it is often neceſſary to have one executed for the above purpoſe only, to be filed with the certificate. When the commiſsioners ſign the certificate, the affidavit of ſeeing the creditors ſign letters of attorney, with affidavits of the due execution annexed to them, &c. are exhibited to the commiſsioners, who authenticate ſuch papers, by underwriting each in the following manner:

"Exhibited to us, under a commiſsion of bank-
"rupt againſt A. B. the day of 17

Charles Bragge.
Arthur Onſlow.
Robert Haſſell.

When

When the certificate and the papers are ſo completed, you take them or ſend them by the meſſenger to the ſecretary's office, and the clerk gives a warrant, for which you pay 2s. and 6d. which is a notice to the Gazette, that the certificate is left at the office; take this to the Gazette-office, and the printer will inſert the advertiſement in the uſual manner, that the certificate will be allowed and confirmed, unleſs cauſe be ſhewn to the contrary within twenty-one days from the date of the ſaid advertiſement.

In the mean time the bankrupt muſt make an affidavit in the following form:

In the matter of John Smith, a bankrupt.

In Chancery.

John Smith, of the perſon againſt whom a commiſſion of bankrupt was awarded and iſſued on the day of maketh oath and ſaith, that the certificate bearing date the day of 17 under the hands and ſeals of Charles Bragge, Arthur Onſlow, eſquires, and Robert Haſſell, gentleman, the major part of the commiſſioners in the ſaid commiſſion named and authoriſed, whereby they have certified to the Right Honorable Edward Lord Thurlow, Lord High Chancellor of Great Britain, that he, this deponent, hath in all things conformed himſelf according to the directions of an act of parliament made and paſſed in the fifth year of the reign of his late Majeſty King George the ſecond intitled, "An act to prevent the committing of frauds by bankrupts," and the conſent of all this deponent's creditors who have ſigned their names at the foot of the ſaid certificate, that the commiſſioners may ſign and ſeal the ſame; and that this deponent may have ſuch allowance and benefit as are given to bankrupts by the ſaid act, and be

diſcharged from his debts in purſuance thereof, was obtained fairly and without fraud.

JOHN SMITH.

Sworn at the Public Office, the day of 17 before

After the expiration of the twenty-one days, take this affidavit to the office, and if there is no petition lodged againſt the certificate, beſpeak the allowance thereof, and in a day or two after it will be allowed, by the Lord Chancellor's ſigning the allocator, in the following manner:

day of 17

WHEREAS the uſual notice hath been given in the London Gazette of the day of laſt, and none of the creditors of the above named John Smith having ſhewn any cauſe to the contrary, I do allow and confirm this certificate.

THURLOW, C.

The affidavits, &c. are left and filed in the office, and you pay for the allowance of the certificate, with two affidavits, 1l. 14s. and 2s. more for every other affidavit or letter of attorney belonging thereto.

INROLMENT.

Of Inrolling Proceedings under Commiſſions of Bankruptcy.

IN order to ſecure the title to purchaſers of eſtates ſold under commiſſions of bankruptcy, it is neceſſary to have part of the proceedings entered of record, an atteſted copy of which will at all times be admitted in evidence. The method of doing which is as follows: Draw up a petition in the ſubſequent form, in the names of the aſſignees, together with ſuch parts of the proceedings as are mentioned in the prayer of the petition; take theſe to the ſecretary of bankrupts' office, where the books of record are generally kept, and the deputy to the clerk of the inrolments will obtain the Lord Chancellor's fiat to the petition, enter the ſame, and make an atteſted copy thereof.

PETITION.

In the matter of S. M. a bankrupt.

To the Right Honorable the LORD HIGH CHANCELLOR OF GREAT BRITAIN.

The humble petition of T. S. and R. B. aſſignees of the eſtate and effects of the ſaid bankrupt;

Sheweth,

THAT on the day of a commiſſion of bankrupt was awarded and iſſued againſt the ſaid S. M. and your petitioners were duly choſen aſſignees of his eſtate and effects; and the major part of the commiſſioners in the ſaid commiſſion named and authoriſed, have executed an aſſignment of the perſonal eſtate, and alſo a bargain

and ſale of the real eſtate of the ſaid bankrupt, to your petitioners accordingly.

THAT the ſaid bankrupt was ſeized of, or entitled unto him, and his heirs, of and in the equity of redemption, of a freehold eſtate in which has been ſold, and in order to complete the ſale thereof, your petitioners are adviſed that ſeveral parts of the proceedings under the ſaid commiſſion ſhould be entered of record.

YOUR petitioner therefore moſt humbly prays your Lordſhip to order, that the ſtile and title of the proceedings of the commiſſioners under the ſaid commiſſion, the memorandum of the ſaid commiſſioners taking the uſual oath to qualify themſelves to act under the ſaid commiſſion, the depoſition of the petitioning creditor's debt, the depoſitions of the trading and act of bankruptcy of the ſaid S. M. together with the commiſſioners' adjudication and declaration of the ſaid S. M. having become bankrupt, the memorandum of the choice of your petitioners to be aſſignees of the eſtate and effects of the ſaid S. M. and your petitioners' acceptance of the truſt thereof, may be entered of record, purſuant to the directions of the act of parliament in that caſe made and provided.

And your petitioners ſhall ever pray.

AFTER

AFTER the petition and proceedings are inrolled, each depoſition or memorandum is indorſed, and ſigned by the deputy thus:

THE memorandum within written hath been entered of record, by virtue of an order of the Rt. Hon. Edward Lord Thurlow, Lord High Chancellor of Great Britain, made upon the petition of T. S. and R. B. aſſignees of the eſtate and effects of S. M. the within named bankrupt, bearing date the day of 17 according to the directions of an act of parliament made and paſſed in the fifth year of the reign of his late Majeſty King George the ſecond, intitled, "An act to prevent the committing of frauds by bankrupts."

A. B.
Deputy to Harry Harmood, eſquire,
clerk of the inrolments in bankruptcy.

THE fees to be paid for the above are, 12s. 6d. for anſwering the petition; for each roll 10s. fourteen ſheets to the roll, and ninety words to the ſheet; and for each indorſement 2s. and 6d; and for the copy on treble ſixpenny, according to the length, 8d. per ſheet.

OF INROLLING THE CERTIFICATE.

THERE are ſeveral reaſons for the inrolling bankrupts' certificates; ſuch as being a ſecurity againſt any accident or loſs. Where a joint certificate is granted to partners, each bankrupt ſhould have a duplicate or copy; or where perſons who have become bankrupts, and obtained their certificates, are going to parts beyond the ſeas, &c.

Petition

Petition of a bankrupt to have the certificate inrolled.

To the Right Hon. the LORD HIGH CHANCELLOR *of* GREAT BRITAIN.

The humble petition of S. M. a bankrupt;

Sheweth,

THAT on the day of 17 a commiſſion of bankrupt was awarded and iſſued againſt your petitioner, whereupon your petitioner was duly found and declared bankrupt.

THAT your petitioner has obtained a certificate under the hands and ſeals of the major part of the commiſſioners named in and acting under the ſaid commiſſion, whereby they have certified, that your petitioner hath in all things conformed himſelf to the acts of Parliament made and now in force concerning bankrupts; and four-fifths in number and value of the creditors of your petitioner who have proved their debts under the ſaid commiſſion, have ſigned their names at the foot of the ſaid certificate, teſtifying their conſent that your petitioner may have ſuch allowance and benefit as are given to bankrupts by the ſaid acts.

THAT the ſaid certificate hath been allowed and confirmed by your Lordſhip.

THAT your petitioner is deſirous that the ſaid certificate ſo allowed and confirmed by your Lordſhip, as aforeſaid may be entered of record.

YOUR petitioner therefore moſt humbly prays your Lordſhip, that the ſaid certificate, together with your petitioner's affidavit of having obtained the ſame fairly and without fraud, may be entered of record, purſuant to the act of parliament in that caſe made and provided.

And your petitioner ſhall ever pray, &c.

Proceedings

Proceedings under a Commiſſion of Bankruptcy.

Examinations, depoſitions, and proceedings had and taken under a commiſſion of bankruptcy, awarded and iſſued againſt S. M. of ſtreet, London, oilman, dealer, and chapman, bearing date at Weſtminſter the day of 17 directed to Thomas Mulſo, Randle Ford, Auguſtus Pechell, John Calthorpe Gough, and Henry Jodrell, eſquires, on the petition of T. S. of Alderſgate-ſtreet, London, oilman.

At the Baptiſt-head coffee-houſe, Chancery-lane, the day of 17

MEMORANDUM.

THAT we Thomas Mulſo, Auguſtus Pechell, and Henry Jodrell, eſquires, being the major part of the commiſſioners named and authorized in a commiſſion of bankrupt awarded and iſſued againſt S. M. of ſtreet, London, oilman, dealer and chapman, adminiſtered to and ſeverally took before each other the oath of a commiſſioner of bankrupt, preſcribed and ſpecified in and by an act of parliament made in the fifth year of the reign of his late Majeſty King George the ſecond, intitled, "An act to prevent the committing of frauds by bankrupts," before we proceeded to act in the execution of the ſaid commiſſion according to the directions of the ſaid act.

Witneſs,
George Miller.

Thomas Mulſo,
Auguſtus Pechell.
Henry Jodrell.

At

At the Baptiſt Head coffee-houſe, Chancery-lane, the day of 17

T. S. of Alderſgate-ſtreet, London,
Thos. Mulſo. oilman, being ſworn, and examined, the day, and year, and at the place aforeſaid, upon his oath ſaith, That S. M. of Alderſgate-ſtreet, London, oilman, dealer and chapman, the perſon againſt whom this commiſſion of bank-
Aug. Pechell. ruptcy is awarded and iſſued, was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted unto this deponent in the ſum of one hundred pounds and upwards, for goods ſold and delivered
Henry Jodrell. by this deponent to the ſaid bankrupt.

T. S.

At the Baptiſt Head coffee-houſe Chancery-lane, the day of 17

EDWARD HILL, clerk to T. S. of
Thos. Mulſo. Alderſgate-ſtreet, London, oilman, being ſworn and examined the day, and year and at the place aboveſaid, upon his
Aug. Pechell. oath ſaith, That he hath known S. M. of ſtreet, London, oilman, dealer, and chapman, the perſon againſt whom this commiſſion of bankrupt is awarded and iſſued, for the ſpace of years laſt paſt, and upwards, during all which time the ſaid S. M. did follow the trade or buſineſs of an oilman, in buying and ſelling of oils, pickles,
Henry Jodrell. ſalt, ſoap, vinegar, and various other things, and thereby ſought and endeavoured to get his living as others, of the ſame trade uſually do.

EDWARD HILL.

At the Baptiſt Head coffee-houſe, Chancery-lane, the day of

J. C. ſhopman to S. M. of ſtreet,
Thos. Mulſo. London, oilman, dealer and chapman, being ſworn and examined the day, and year, and at the place aboveſaid, upon his oath ſaith, That he hath been employed by the ſaid S. M. the perſon againſt whom this commiſſion of bankrupt is awarded, for the ſpace of laſt paſt, and upwards; and this deponent ſaith, that the ſaid S. M. during all that time did follow the trade of an oilman, by buying and ſelling of oils, pickles, ſalt, ſoap, vinegar, and various other things, and thereby ſought and endeavoured to get his living, as others of the ſame trade uſually do: And this deponent ſaith, That the ſaid S. M. did on Monday the day of inform this deponent, that he expected Mr. to whom he owed money, would call at his houſe, and enquire for him; and he did then deſire this deponent to deny him to the ſaid Mr. or
Aug. Pechell. any other perſon that ſhould call at his houſe and enquire for him, although he might at the ſame be at home: And this deponent ſaith, That the ſaid Mr. did ſoon afterwards, on the ſame day, come to the ſaid S. M.'s houſe, and did then enquire of this deponent for the ſaid S. M. when this deponent informed the ſaid Mr. that the ſaid S. M. was not at home, although the ſaid S. M. was at the ſame time up ſtairs in the dining-room of his ſaid houſe; and the ſaid Mr. told this deponent that he came to ſettle with the ſaid S. M. or to that effect; and this deponent ſoon afterwards acquainted the ſaid S. M. that he had ſo denied him to the ſaid Mr. and he ſeemed well ſatisfied therewith, and ſaid this deponent had done right: And this deponent further ſaith, That the ſaid S. M. does ſecrete himſelf, and has abſconded for fear of being arreſted by ſome or one of his
Henry Jodrell. creditors, as this deponent verily believes.

J. C.

At the Baptiſt Head coffee-houſe, Chancery-lane, the day of 17

MEMORANDUM.—We whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authoriſed in a commiſſion of bankrupt, awarded againſt S. M. of ſtreet, London, oilman, dealer and chapman, bearing date at Weſtminſter, the day of in the year of his preſent Majeſty's reign, having begun to put the ſaid commiſſion into execution, upon examination of witneſſes upon oath, taken before us, do find that the ſaid S. M. did, before the date and ſuing forth of the ſaid commiſſion, become bankrupt within the true intent and meaning of the ſeveral ſtatutes made and now in force concerning bankrupts, ſome or one of them; and we do accordingly adjudge and declare the ſaid S. M. bankrupt, to all intents and purpoſes.

Thos. Mulſo,
Aug. Pechell,
Henry Fodrell.

This buſineſs conſtitutes the firſt meeting of the commiſſioners, at which time, as it has been before obſerved, they execute the warrant of ſeizure, and the ſummons for the bankrupt to ſurrender; and the uſual notice of the bankruptcy in the London Gazette.

Proceedings at the firſt public meeting at Guildhall.

At Guildhall, London, the day of 17

Thos. Mulſo. MEMORANDUM.—That Randle Ford, eſquire, one of the commiſſioners named and authoriſed in and by the commiſſion of bankrupt awarded againſt S. M. did, before he proceeded to act in the ſaid commiſſion, take the oath

oath of a commiſſioner preſcribed and ſpecified in and by an act of parliament paſſed in the fifth year of the reign of his late Majeſty King George the ſecond, intitled, "An act to prevent the committing of frauds by bankrupts," according to the directions of the ſaid act.

Aug. Pechell.

Witneſs, RANDLE FORD.
Geo. Miller.

Proof of Debts.

W. C. of Holborn-bridge, London, colourman, being ſworn and examined the day and year, and at the place aforeſaid, upon his oath ſaith, That S. M. the perſon againſt whom this commiſſion of bankruptcy is awarded and iſſued forth, was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted unto this deponent, and to J. C. this deponent's partner, in the ſum of pounds ſhillings and pence, for goods ſold and delivered, for which ſaid ſum of pounds ſhillings and pence, or any part thereof, he this deponent hath not, nor hath this deponent's ſaid partner, to the knowledge and belief of this deponent, received any ſecurity or ſatisfaction whatſoever.

Thos. Mulſo.

W. C.

I. A. of White-chapel, Bruſh maker, being ſworn and examined the day and year, and at the place aforeſaid upon his oath ſaith, That S. M. againſt whom this commiſſion of bankruptcy is awarded and iſſued forth, was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted unto this deponent in the ſum of pounds ſhillings and pence

Randle Ford.

for goods ſold and delivered, for which ſaid ſum of pounds ſhillings and pence or any part thereof, this deponent hath not received any ſecurity or ſatisfaction whatſoever.

Aug. Pechell.

I. A.

Petitioning Creditor's debt.

T. S. of Alderſgate-ſtreet, London, oilman, being ſworn and examined the day, and year and at the place aforeſaid, upon his oath ſaith, That S.M. the perſon againſt whom this commiſſion of bankruptcy is awarded and iſſued forth, was at and before the date and iſſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted to this deponent and I.P. this deponent's late partner, in the ſum of pounds ſhillings and pence, for which ſaid ſum of pounds ſhillings and pence or any part thereof, he this deponent hath not nor hath this deponent's ſaid late partner to the knowledge or belief of this deponent received any ſecurity or ſatisfaction whatſoever, except one promiſſory note under the hand of the ſaid bankrupt, dated whereby he promiſed to pay to this deponent's ſaid late partner and this deponent, or order, the ſum of pounds on demand; one other promiſſory note under the ſaid bankrupt's hand, dated whereby he two months after date, promiſed to pay to this deponent's ſaid late partner and to this deponent or order pounds ſhillings and pence, value received; and a bill of exchange dated drawn by the ſaid bankrupt on and accepted by B. E. payable ſix weeks after date to the ſaid bankrupt's order and indorſed by him for pounds ſhillings and pence; and this deponent upon his oath further ſaith, that the ſaid bankrupt is juſtly and truly indebted unto this deponent in the

Thos. Mulſo.

Randle Ford.

the ſum of pounds ſhillings and pence, for goods ſold and delivered, for which ſaid ſum of pounds ſhillings and pence or any part thereof this deponent hath not received any ſecurity or ſatisfaction whatſoever, except one bill of exchange dated drawn by I. L. P. on and accepted by Meſſrs. C. and F. *Aug. Pechell.* payable ſix months after date to the drawer's order, and indorſed by him and the ſaid bankrupt for pounds ſhillings.

T, S.

Bankrupt's ſurrender.

At Guildhall day of 17

Thos. Mulſo. MEMORANDUM.—THAT S. M. the perſon againſt whom the commiſſion of bankrupt hath been awarded this day of 17 voluntarily ſurrendered himſelf to us, the major part of the commiſſioners named and authorized in and by the ſaid commiſſion of bankrupt awarded againſt him, purſuant to notice in the London Gazette for that purpoſe, and ſubmitted to be examined, and in all things to conform himſelf to the directions of the ſeveral ſtatutes made concerning bankrupts, and particularly to the late ſtatute made in the fifth year of the reign of his late Majeſty King George *Aug. Pechell.* the ſecond, intitled, "An act to prevent the committing of frauds by bankrupts," in order to have the benefit of the ſaid act.

Randle Ford.

S. M,

Second

Second meeting of the Commiſſioners for taking further proofs of Debts, the choice of Aſſignees, &c.

At Guildhall, London day of 17

R. W. Bermondſey-ſtreet, Southwark, in the county of Surrey, gluemaker, being ſworn and examined the day, and year, and at the place aforeſaid, upon his oath ſaith, That S. M. the perſon againſt whom this commiſſion of bankruptcy is awarded and iſſued forth, was at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted to this deponent in the ſum of pounds ſhillings and pence, for goods ſold and delivered, for which ſaid ſum of &c. or any part thereof, this deponent hath not received any ſecurity or ſatisfaction whatſoever, ſave and except one promiſſory note under the ſaid bankrupt's hand, dated whereby he two months after date, promiſed to pay this deponent, or order, pounds ſhillings, value received.

Thos. Mulſo.

R. W.

G. C. of being ſworn, &c. that S. M. the perſon, &c. was at and before the date and ſuing forth of the ſaid commiſſion, and ſtill is juſtly and truly indebted to this deponent in the ſum of for money lent by this deponent to the ſaid S. M. for which ſaid ſum of or any part thereof, this deponent hath not received any ſecurity or ſatisfaction whatſoever, ſave and except a bill of exchange drawn by this deponent on and accepted by the ſaid bankrupt, dated at ſix weeks after date, for the ſum of

Aug. Pechell.

G. C.

DEBTS of creditors at a diſtance from London, muſt be proved by affidavits, ſworn before a maſter extraordinary

traordinary in chancery, and produced and exhibited to the commiſſioners at Guildhall; and the ſecurity (if any) muſt be annexed to the affidavit of debt, and the perſons impowered by letter of attorney to prove debts and vote in the choice of aſſignees, muſt attend therewith at the ſecond meeting of the commiſſioners.

At Guildhall London, the day of 17

Thos. Mulſo.
Alg. Pechell.
Henry Jodrell.

MEMORANDUM—This being the day appointed in the London Gazette for the choice of aſſignees of the eſtate and effects of S. M. the perſon againſt whom the commiſſion of bankrupt is awarded, we whoſe names are here underwritten, being the major part in value of the creditors of the ſaid S. M. preſent at this meeting, and who have proved our debts to be ten pounds or upwards, have choſen, and do hereby nominate and chuſe T. S. of and R. B. of to be aſſignees of the eſtate and effects of the ſaid S. M. and we do hereby deſire the commiſſioners to make an aſſignment thereof to them accordingly.

We do accept of the ſaid truſt and promiſe to execute a counterpart of the ſaid aſſignment.
T. S.
R. B.

T. S.
R. B.
W. C. for ſelf and partner.
R. W.
G. C.
A. B. by letter of attorney from C. D.

MEMO-

MEMORANDUM.—Unanimouſly agreed by the creditors preſent, that as often as the money received by the ſaid aſſignees ariſing from the bankrupt's eſtate, ſhall amount to one hundred pounds, the ſame ſhall be placed in the hands Meſſieurs of B. K. A. and company, bankers, in ſtreet, London, in the joint names of the ſaid aſſignees.

A. P.

Solicitor's bill of Fees and Diſburſements, under commiſſion of bankruptcy againſt S. M.

		£.	s.	d.
	Attending petitioning creditor ſeveral times; adviſing and conſulting as to taking out commiſſion againſt S. M. examining witneſſes as to proving act of bankruptcy; taking inſtructions for commiſſion, and attending ſtriking docket	0	13	4
	Affidavit of debt, duty, and oath	0	7	6
	Bond to Lord Chancellor, and duty	0	13	6
	Secretary's fee and filing affidavit	1	3	0
	Petition for commiſſion and duty	1	1	0
	Commiſſion and hanaper fee, box, deputy ſecretary private ſeal and expedition at patent office	7	14	2
	Fee ſuing out commiſſion	1	1	0
	A meeting being appointed to open commiſſion at Baptiſt Head coffee houſe, at two o'clock attending accordingly, when only two commiſſioners attended	0	6	8
1	Expences there	0	1	0
	Commiſſioners and clerk ſitting when bankruptcy proved	4	0	0
	The like firſt ſitting at Guildhall	4	0	0
	The like ſecond ſitting	4	0	0
	Drawing aſſignment of bankrupt's effects and engroſ-			
2	ſing two parts	2	2	0
	Parchment and duty	0	17	0
	Commiſſioners and clerk ſitting on executing aſſignment	4	0	0
2	Letters	0	2	0
5		32	2	2
	Deduct	0	5	0
		£. 31	17	2

We

We have peruſed and allowed the above bill at the ſum of £. 31 17 2 and direct the aſſignees to pay the ſame.

T. M.
A. P.
H. J.

ASSIGNMENT.

Aſſignment from Commiſſioners to Aſſignees.

THIS INDENTURE, made the in the year of the reign of our ſovereign Lord George the third, by the grace of God of Great Britain, France and Ireland, King, Defender of the Faith, &c. and in the year of our Lord one thouſand ſeven hundred and

BETWEEN Thomas Mulſo, Auguſtus Pechell, and Henry Jodrell, eſquires, of the one part; T. S. of ſtreet, London, oilman, and R. B. of in the county of diſtiller, of the other part:—WHEREAS his Majeſty's commiſſion under the great ſeal of Great Britain, grounded upon the ſeveral ſtatutes made and now in force concerning bankrupts, bearing date at Weſtminſter the day of laſt, hath been awarded and iſſued againſt S. M. of ſtreet, London, oilman, dealer and chapman, directed unto the ſaid Thomas Mulſo, Auguſtus Pechell, and Henry Jodrell, and alſo to Randle Ford, and John Calthorpe Gough, eſquires, thereby giving full power and authority unto them, the ſaid commiſſioners, four or three of them, to execute the ſame, as in and by the ſaid commiſſion, rela-

tion being thereunto had, may appear. AND WHEREAS the ſaid S. M. did for ſome time laſt paſt, before the date and ſuing forth of the ſaid commiſſion, uſe, exerciſe and carry on the trade and buſineſs of an oilman, dealer and chapman, and thereby ſought and endeavoured to get his living as others of the ſame trade and buſineſs are uſed to do; and that during ſuch time of his the ſaid S. M.'s trading and dealing as aforeſaid, he the ſaid S. M. became juſtly and truly indebted to the ſaid T. S in the ſum of one hundred pounds and upwards, and being ſo indebted, he the ſaid S. M. did alſo, before the date and ſuing forth of the ſaid commiſſion, in the judgment of the ſaid Thomas Mulſo, Auguſtus Pechell, and Henry Jodrell, the major part of the ſaid commiſſioners, become a bankrupt to all intents and purpoſes, within the true intent and meaning of the ſeveral ſtatutes in the ſaid commiſſion mentioned, or within ſome or one them: AND WHEREAS it appeared to the major part of the ſaid commiſſioners, that the ſaid S. M. at the time he became a bankrupt, was poſſeſſed of, intereſted in, or entitled unto, divers houſehold goods, and other goods, wares and merchandizes, then remaining and being in or about his dwelling houſe, and premiſes ſituate in ſtreet aforeſaid, which have been ſeized by virtue of a warrant under the hands and ſeals of the major part of the ſaid commiſſioners; and alſo of, in, and to divers book-debts, and other debts and ſums of money, due, owing and payable to the ſaid S. M. and his eſtate, by and from divers and ſundry perſons; and likewiſe of, in, and to other perſonal eſtate and effects: AND WHEREAS on this day of being the day appointed in the London Gazette for the creditorsof the ſaid S. M. to come before the major part of the ſaid commiſſioners at Guildhall, London, to prove their debts and chuſe aſſignees of the ſaid S. M.'s eſtate and effects, the major part in value of the creditors of the ſaid S. M. who are creditors for not leſs than the ſum of 101. and upwards reſpectively, and who have duly proved their

their debts under the ſaid commiſſion, did nominate, elect, and chuſe the ſaid T. S. and R. B. to be aſſignees of the ſaid S. M.'s eſtate and effects, and requeſted the ſaid Thomas Mulſo, Auguſtus Pechell, and Henry Jodrell, to aſſign the ſame to them accordingly: Now this Indenture witneſſeth, that they the ſaid commiſſioners, parties to theſe preſents, in purſuance of the above recited commiſſion, and of the ſtatutes therein mentioned, and alſo for and in conſideration of 5s. a piece to them the ſaid commiſſioners parties hereto in hand reſpectively, well and truly paid before the ſealing and delivering of theſe preſents by the ſaid T. S. and R. B. the receipt whereof is hereby acknowledged, and alſo for and in conſideration of the covenants herein after reſerved and contained on the part and behalf of the ſaid T. S. and R. B. their executors, adminiſtrators, and aſſigns, to be kept done and performed, HAVE ordained, bargained, ſold, aſſigned, transferred, and ſett over, and by theſe preſents do (as much as in them the ſaid commiſſioners and they lawfully may) order, bargain, ſell, aſſign, transfer, and ſett over unto the ſaid T. S. and R. B their executors, adminiſtrators, aſſigns, all and ſingular the goods, merchandizes, debts, ſum and ſums of money, and all other the perſonal eſtate and effects of him, the ſaid S. M. whatſoever and whereſoever, To HAVE and To HOLD, receive and enjoy, the ſaid goods, wares, and merchandizes, debts, ſum and ſums of money, and all other the perſonal eſtate and effects herein before ordered, bargained, ſold, aſſigned, transferred, and ſett over unto the ſaid T. S. and R. B. their executors, adminiſtrators, and aſſigns, for ever, IN TRUST, nevertheleſs to and for the uſe, benefit, and advantage of themſelves, and all and every other the creditors of the ſaid S. M. who already have, or hereafter ſhall, or may, in due time come in, and ſeek relief under the ſaid commiſſion, according to the limitations and directions of the ſaid ſeveral ſtatutes made concerning bankrupts as aforeſaid: And the ſaid T. S. and

R. B. for themſelves, their executors and adminiſtrators, do covenant, promiſe, grant, and agree to, and with the ſaid commiſsioners, parties hereto, their executors and adminiſtrators, and to and with every of them, by theſe preſents in manner and form following: (that is to ſay) That they the ſaid T. S. and R. B. their executors, adminiſtrators, and aſsigns, ſhall and will uſe his and their utmoſt endeavours, and means, by ſuit at law or otherwiſe, to get in, collect, and receive, all the debts, perſonal eſtate and effects of S. M. with what care and ſpeed they can: And alſo that the ſaid T. S. and R. B. their executors and adminiſtrators, ſhall and will, from time to time, and at all times hereafter, upon reaſonable requeſt and notice to them for that purpoſe, given under the hands and ſeals of the ſaid commiſſioners, in the ſaid commiſſion named and authorized, give and render unto them, the ſaid commiſſioners, or the major part of them, a juſt and true account of all and every ſuch ſum and ſums of money, or other ſatisfaction as they the ſaid T. S. and R. B. their executors, and adminiſtrators, ſhall or may have raiſed, obtained, or received, by force, virtue, or means of this preſent deed of aſſignment, or otherwiſe, out of the eſtate and effects of the ſaid S. M. and all ſuch money and other ſatisfaction, as upon ſuch account ſhall appear to have been raiſed, obtained, and received, as aforeſaid, ſhall and will, well and truly pay and deliver up, or cauſe to be paid and delivered up, unto the ſaid commiſſioners, in the ſaid commiſſion named and authorized, or the major part of them, or to ſuch other perſon or perſons as they the ſaid commiſſioners or the major part of them, ſhall, by writing under their hands, direct and appoint, to the end the ſame, or ſuch other ſatisfaction may be by them, the ſaid commiſſioners, or the major part of them, ordered and diſpoſed, diſtributed and divided, to and amongſt all and ſingular the creditors of the ſaid S. M. who already have, or ſhall, or may hereafter come in and ſeek relief under the ſaid commiſſion, proportionably

portionably to their ſeveral debts: And that they the ſaid T. S. and R. B. their heirs, executors, adminiſtrators, and aſſigns, ſhall and will, from time to time, and at all times hereafter, ſave, defend, and keep harmleſs and indemnified as well the ſaid commiſſioners, parties to theſe preſents in and by the ſaid commiſſion named and authorized, their agents, ſervants, and meſſengers, and their heirs, executors, and adminiſtrators, and every of them, as their and every of their goods, chattels, lands, and tenements, of, from, and againſt all and all manner of actions, ſuits, coſts, and damages whatſoever, that ſhall or may at any time or times hereafter ariſe, happen or come to them, the ſaid commiſſioners, or any, or either of them, or any or either of their executors, or adminiſtrators, for, or by reaſon or means of this preſent deed of aſſignment, or any act, matter, or thing by them any or either of them, lawfully acted or done, by virtue of the ſaid recited commiſſion, or by their or any of their lawful intermeddling in and of the eſtate and effects of the ſaid S. M. in witneſs, &c.

At Guildhall, London, the day of 17

MEMORANDUM.--That we the major part of the commiſſioners named and authorized in and by the commiſſion of bankrupt, awarded againſt S. . met at the time and place above-mentioned, and ſettled and executed an aſſignment of the ſaid bankrupt's eſtate and effects to T. S. and R. B. being the perſons choſen for that purpoſe; and likewiſe ſettled the charges of ſuing out and proſecuting the ſaid commiſſion to this time, by ſettling the clerk's and meſſenger's bills, viz. clerk's bill, 31l. 17s. 2d.; meſſenger's bill, 12l. 15s. 10d.; making together 44l. 13s.

Thomas Mulſo,
Auguſtus Pechell,
Henry Jodrell.

Third

Third meeting of the Commiſſioners for taking further Proofs of Debts, the Bankrupt's laſt Examination, &c.

At Guildhall, London, the day of 17

R. Y. of being ſworn and examined the day, and year, and at the place aforeſaid, upon his oath ſaith, That S. M. the perſon, &c. and ſtill is juſtly and truly indebted unto this deponent, and to R. G. this deponent's partner, in the ſum of for, &c. for which ſaid ſum of or any part thereof, this deponent hath not, nor hath this deponent's partner, to the knowledge or belief of this deponent, received any ſecurity or ſatisfaction whatſoever, ſave and except one bond or obligation, dated under the hand and ſeal of R. H. whereby he became bound to the ſaid S. M. in conditioned for payment of with intereſt, on and except one promiſſory note, under the hand of the ſaid S. M. dated whereby he ſix months after date, promiſed to pay this deponent and partner, by names of Meſſ. Y. and Co. or order, pounds, value received by him.

Thos. Mulſo.

Aug. Pechell.

Henry Jodrell.

R. Y.

Bankrupt's laſt Examination.

At Guildhall, London, the day of 17

MEMORANDUM.----That S. M. the perſon againſt whom the commiſſion of bankrupt is awarded, appearing again before us, the major part of the commiſſioners in the ſaid

Thos. Mulſo.

ſaid commiſſion named and authorized, in order to finiſh his examination purſuant to notice in the London Gazette, for that purpoſe given, and being now ſworn and examined upon his oath, ſaith, That the paper writing hereunto annexed, marked with the letter A. and ſigned by this examinant; and the books, goods, and effects, ſeized and taken by and under the ſaid commiſſion, and delivered to, or to the order of the aſſignees choſen thereunder, together with the books, papers, and writings, delivered by this examinant to the ſaid aſſignees; together with one gold watch and ſeal, a mourning ring, a ſtone ſhirt-buckle, one pair of ſilver buckles, one pair of plated buckles, and three guineas and four ſhillings now delivered up to the ſaid commiſſioners, do contain a full and true diſcloſure and diſcovery of all his eſtate and effects, real and perſonal; and how and in what manner, and to whom, and upon what conſiderations, and at what time or times he hath diſpoſed of, aſſigned or tranſferred any of his goods, wares, merchandizes, money or other eſtate; and of all books, papers and writings, relating thereto, of which he was poſ-

Aug. Pechell.

ſeſſed, or in, or to which he was any ways intereſted or intitled, or which any perſon or perſons had or hath in truſt for him or for his uſe, at any time before or after the ſuing out of the ſaid commiſſion, or whereby he or his family hath or have, or may have or expect any profit, poſſibility of profit, benefit or advantage whatſoever, except ſuch part only of his eſtate and effects as have been really and bona fide ſold or diſpoſed of in the way of his trade and buſineſs, and except ſuch ſum and ſums of money as have been laid out in the ordinary and neceſſary expence of himſelf and family: And this examinant further ſaith, That at the time of his former examination, or ſince, and at this the time of his laſt examination, he hath delivered up to the ſaid commiſſioners, or the major part of them, or to the ſaid aſſignees, all ſuch part of his this examinant's goods, wares, merchandizes, money, eſtate and effects,

and

and all books, papers and writings relating thereto, as at the time of ſuch his examination, now are, or then were in his poſſeſſion, cuſtody or power (the neceſſary wearing apparel of this examinant, his wife and children, only excepted) and this examinant further ſaith, That he hath not removed, concealed or embezzelled, any part of his eſtate and effects, either real or perſonal, or any books of account, papers or writings relating thereto; with intent to defraud his creditors, or whereby he expects or can receive any benefit to himſelf or family.

Henry Jodrell.

S. M.

MEMORANDUM. The watch, ſeal, ring, ſhirt buckle, buckles and caſh, above mentioned, were returned to the bankrupt, by conſent of the creditors preſent.

Order of Dividend.

At Guildhall, London, the day of 17

MEMORANDUM.—THIS being the day appointed in the London Gazette for making a dividend of the eſtate and effects of S. M. the perſon againſt whom a commiſſion of bankrupt hath been iſſued, it appeared to us, the major part of the commiſſioners, named and authorized in and by the ſaid commiſſion, that the debts proved under the ſaid commiſſion, do amount in the whole to the ſum of and it appeared to us by the accounts of T. S. and R. B. the aſſignees under the ſaid commiſſion, this day exhibited to us, upon oath, that the ſum total of the bankrupt's eſtate now remaining in their hands, doth amount to the ſum of Now we do order and direct, that out of the monies remaining in the hands of the aſſignees as aforeſaid, a dividend of ſhillings in the pound be paid to ſuch of the bankrupt's

bankrupt's creditors, as have already proved their debts under the ſaid commiſſion, in proportion to their ſeveral debts; which ſaid dividend of ſhillings in the pound, amounts to the ſum of as we compute the ſame; and after payment thereof, there will remain in the hands of the ſaid aſſignees, the ſum of ſubject to our further order.

Thos. Mulſo.
Randle Ford.
Aug. Pechell.

Order for final Dividend.

At Guildhall, London, the day of 17

BE IT REMEMBERED, that we whoſe names are hereunto ſubſcribed, being the major part of the commiſſioners named and authorized in and by a commiſſion of bankrupt, awarded and iſſued, and now in proſecution againſt S. M. of ſtreet, London, oilman, dealer and chapman, having met together the day, and year, and at the place above-mentioned, in order to make a final dividend of the eſtate and effects of the ſaid bankrupt, purſuant to notice in the London Gazette for that purpoſe given; and it appearing to us that by an order of dividend made the day of 17 the aſſignees under the ſaid commiſſion admitted that they then had ſufficient money in their hands, to pay all the creditors of the ſaid bankrupt, who had proved or claimed debts under the ſaid commiſſion, the ſum of ſhillings in the pound, for every pound ſo proved or claimed; the ſaid commiſsioners did therefore, purſuant to the ſaid admiſſion, and at the deſire of the creditors, order and direct that the aſſignees ſhould pay and divide unto, and amongſt all and every the creditors of the ſaid bankrupt who have proved their debts, and unto the claimants when they ſhould have

proved their claims under the ſaid commiſſion, the ſum of ſhillings in the pound, in proportion to their ſeveral and reſpective debts: and it alſo appearing to us by the account of T. S. and R. B. aſſignees of the ſaid bankrupt this day exhibited to us, upon oath, that the ſum total of the ſaid bankrupt's eſtate remaining in their hands, doth amount to the ſum of and after payment of the ſolicitor's and meſſenger's bills to the ſum of and being deducted from the ſum of reduced the ſame to the ſum of which ſaid ſum now remains in the hands of the ſaid aſſignees to be divided: Now we order and direct that the ſaid dividend of ſhillings in the pound, ſhall be paid to ſuch of the ſaid bankrupt's creditors who have this day proved their debts, which will amount to the ſum of and after payment thereof there will remain in the hands of the ſaid aſſignees the ſum of to be divided among the creditors of the ſaid bankrupt; and we do order and direct that out of the monies ſo remaining in the hands of the ſaid aſſignees, a further dividend of ſhillings in the pound, to be paid all the bankrupt's creditors who have already proved their debts, and ſought relief under the ſaid commiſſion in proportion to their ſeveral debts, which ſaid dividend of ſhillings in the pound amounts to the ſum of as we compute the ſame, and after the payment thereof there will remain in the hands of the ſaid aſſignees the ſum of and no more ſubject to our further order.

Thos. Mulſo.
Aug. Pechell.
Henry Jodrell.

Alphabetical Abſtract

OF THE

WHOLE STATUTE LAW

RELATING TO

BANKRUPTS.

ACTS

RELATING TO BANKRUPTS.

34 and 35 Hen. VIII. chap. 4.
13 Eliz. chap. 7.
1 Jac. I. chap. 15.
21 Jac. I. chap. 19.
7 Anne, chap. 12.
10 Anne, chap. 15.
7 Geo. I. chap. 31.
5 Geo. II. chap. 30.
19 Geo. II. chap. 32.
24 Geo. II. chap. 57.
4 Geo. III. chap. 33.
12 Geo. III. chap. 47.
13 Geo. III. chap. 77.

Alphabetical Abſtract, &c.

ALLOWANCE.

ALL bankrupts who ſhall ſurrender and conform, as by this act is directed, ſhall be allowed 5l. per cent. out of the neat produce of the eſtate that ſhall be received, in caſe the neat produce of the eſtate, after ſuch allowance made, ſhall be ſufficient to pay 10s. in the pound, and ſo as the ſaid 5l. per cent. ſhall not amount to above 200l.; and in caſe the neat produce of the eſtate ſhall be ſufficient to pay 12s. 6d. in the pound, then all perſons ſo conforming ſhall be allowed 7l. 10s. per cent. ſo as ſuch allowance ſhall not amount to above 250l.; and in caſe the neat produce ſhall, over and above the allowance, be ſufficient to pay 15s. in the pound, then perſons ſo conforming ſhall be allowed 10l. per cent. ſo as ſuch 10l. per cent. ſhall not amount to above 300l.; and every ſuch bankrupt ſhall be diſcharged from all debts owing at the time that he did become bankrupt. 5 *Geo.* 2. *cap.* 30. *ſec.* 7.

If the neat produce of ſuch bankrupt's eſtate ſhall not amount to 10s. in the pound, ſuch bankrupt ſhall not be allowed 5l. per cent. but ſhall be allowed ſo much as the aſſignees and commiſſioners ſhall think fit, not exceeding 3l. per cent. 5 *Geo.* 2. *cap.* 30. *ſec.* 8.

ARREST,

ARREST.

Bankrupt ſhall be free from all arreſts, reſtraint or impriſonment, of any of his creditors, in coming to ſurrender; and from his actual ſurrender to the commiſſioners for the forty-two days, or ſuch further time as ſhall be allowed him, for finiſhing his examination, provided he was not in cuſtody at the time of his ſurrender, and ſubmiſſion to be examined.

If ſuch bankrupt ſhall be arreſted for debt, or on an eſcape warrant, coming to ſurrender himſelf to the commiſſioners, or after his ſurrender ſhall be ſo arreſted within the time before-mentioned, that then, on producing the ſummons, under the hands of the commiſſioners, or aſſignees, to the officer who ſhall arreſt him, and making it appear to him, that ſuch notice or ſummons was ſigned by the commiſſioners, or aſſignees, and giving him a copy thereof, he ſhall be immediately diſcharged.

If any officer ſhall detain ſuch bankrupt (after he ſhall have ſhewn ſuch notice or ſummons to him, and made it appear it was ſigned as aforeſaid) in his cuſtody, he ſhall forfeit and pay to ſuch bankrupt for his own uſe, 5l. for every day he ſhall detain him, to be recovered by action of debt in any court of record at Weſtminſter, in the name of ſuch bankrupt, with full coſts of ſuit. 5 *Geo.* 2. *cap.* 30. *ſec.* 5.

In caſe any bankrupt (after certificate fairly obtained) ſhall be arreſted, proſecuted, or impleaded, for any debt due before ſuch time as he became bankrupt, he ſhall be diſcharged upon common bail, and may plead in general, that the cauſe of action did accrue before he became a bankrupt, and may give this act, and the ſpecial matter in evidence. *Sec.* 7.

ASSIGNEES

ASSIGNEES OF BANKRUPT's ESTATES

Are impowered to appoint perſons to attend bankrupts in priſon under execution, with books, papers, and writings, in order to prepare bankrupt's laſt examination. *5 Geo. 2. cap. 30. ſec. 6.*

May adjuſt accounts that remain unbalanced between bankrupts and their creditors, and take the balance in full diſcharge thereof. *Sec. 28.*

When a commiſsion is iſſued, the commiſsioners ſhall forthwith after they have declared the perſon a bankrupt, cauſe a notice to be given in the London Gazette, and appoint a time and place for the creditors to meet (which meeting for London and the bills of mortality ſhall be at Guildhall) to chooſe aſsignees of the bankrupt's eſtate; at which meeting the commiſsioners ſhall admit the proof of any perſon's debt by affidavit; and permit any perſon, duly authorized by letters of attorney from any creditor (oath or affirmation being made of the due execution thereof) to vote in the choice of aſsignees; and the aſsignees ſhall keep books of account, in which they ſhall enter all ſums of money and other effects, which they ſhall receive out of the bankrupt's eſtate; which books, creditors who have proved their debts may inſpect as often as they pleaſe. *Sec. 26.*

No creditor, or other perſon for him, ſhall vote in the choice of aſsignees. whoſe debt amounts not to 10l. or upwards. *Sec. 27.*

The commiſsioners may immediately appoint aſsignees, who may be removed at the meeting of the creditors, if the major part of them think fit; and the aſsignees ſo removed ſhall deliver up and aſsign all the effects of the bankrupt, which ſhall have come to their hands, to the aſsignees ſo choſen by the creditors; and all ſuch effects ſhall be veſted in ſuch new aſsignees: and if any

of the firſt aſsignees ſhall by the ſpace of ten days after notice of the choice of ſuch new aſsignees, and of their conſent to accept ſuch aſsignment, refuſe or neglect to make ſuch aſsignment and delivery, every ſuch aſsignee ſhall forfeit 200l. to be divided among the creditors, and recovered by action of debt, &c. by ſuch perſons as the commiſsioners ſhall appoint, with full coſts, &c. *Sec.* 30.

The aſsignees are to reimburſe the petitioning creditors, all coſts and charges they have been at in ſuing out the commiſsion, out of the firſt monies or effects of the bankrupt, that ſhall come into their hands. *Sec.* 25.

If after any aſsignment made purſuant to the choice of the creditors, it be found neceſſary to vacate ſuch aſsignment; the Lord Chancellor, upon the petition of any creditors, may make ſuch order therein, as he ſhall think reaſonable. And if a new aſsignment be ordered to be made by the creditors, the debts, effects and eſtate of the bankrupt ſhall be veſted in ſuch new aſsignees, who ſue for the ſame in their own names, diſcharge any action, &c. *Sec.* 30.

The commiſsioners ſhall give notice in the two London Gazettes, immediately following the removal of ſuch aſsignees, and the appointment of new ones, that ſuch aſsignees are removed, and ſuch others appointed in their ſtead. *Sec.* 31.

Before the choice of aſsignees, the major part in value of the creditors ſhall, if they think fit, direct where and with whom the monies ariſing from the bankrupt's eſtate ſhall be depoſited, till a dividend is made thereof; and every aſsignee, as often as 100l. come into his hands, ſhall conform to ſuch order and direction. *Sec.* 32.

The

The aſsignees ſhall ſome time after the expiration of four months, and within twelve months from the time of iſſuing a commiſsion, cauſe 21 days public notice to be given in the Gazette, of the time and place the commiſsioners intend to meet and make a dividend of the bankrupt's eſtate (which meeting for the city of London and the bills of mortality ſhall be at Gūildhall) when and where creditors who have not proved their debts, may prove the ſame: and the aſsignees ſhall deliver to the commiſsioners and creditors, a fair account of the bankrupt's eſtate, and may be examined upon oath, or being Quakers, upon ſolemn affirmation, touching the ſaid accounts. They ſhall be reimburſed their expences, and have a reaſonable allowance for their trouble; and the commiſſioners ſhall order ſo much of the neat produce of the bankrupt's eſtate, as appears to be in the hands of the aſſignees, to be divided amongſt ſuch of the creditors as have proved their debts, which order ſhall be in writing under the hands of the commiſsioners, to be filed amongſt the proceedings of the commiſsion, and a duplicate thereof delivered to each of the aſsignees, containing an account of the time, and place of making ſuch diſtribution; the ſum total of all the debts proved under the commiſsion; the ſum total of the money remaining in the hands of the aſsignees; and how much in the pound is then ordered to be paid to every creditor; and the aſsignees, purſuant to ſuch order, are forthwith to make a dividend accordingly, and take receipts in a book to be kept for that purpoſe, from each creditor; which ſaid order and receipt ſhall be an effectual diſcharge to every aſsignee for ſo much as he pays purſuant thereunto. *Sec.* 33.

The aſsignees may (with conſent of the major part in value of the bankrupt's creditors) ſubmit matters in diſpute to arbitration. *Sec.* 34.

May make compoſition with the bankrupt's debtors, and take ſuch reaſonable part as can be gotten, in full diſcharge of their debts. *Sec.* 35.

The third clauſe in the act of 5 Geo. 2. relating to aſsignees enacted in the act of 4 and 5 *Anne, cap.* 17.

The like clauſe in the act of 3 *Geo.* 1. *cap.* 12.

The 4th, 5th, and 6th clauſes, in the act of 5 *Anne. cap.* 13.

The 4th, 5th, 6th, 8th, 9th, and 13th clauſes in the act of 5 *Geo.* 1. *cap.* 24.

To make the final dividend within eighteen months after commiſsion iſſued; unleſs any ſuit at law or equity be depending, or any part of the eſtate not diſpoſed of, or ſome future eſtate to come to the aſsignees; in which caſe they are to convert it into money as ſoon as poſsible, and within two months, by order of the commiſsioners, divide the ſame amongſt the creditors. 5 *Geo.* 2, *cap.* 30. *ſec.* 37.

ASSURANCE.

No governor, director, or other officer of either of the corporations to be erected by this act, ſhall in reſpect of his ſhare therein only be ajudged liable to be a bankrupt. 6 *Geo.* 1. *cap.* 18.

Aſſured, admitted to make claim before loſs happens, 19 *Geo.* 2. *cap.* 32.

BANKERS. BROKERS.

Bankers, brokers, and factors entruſted with money, goods and effects belonging to other perſons, ſhall be liable to this and other ſtatutes made concerning bankrupts. 5 *Geo.* 2. *cap.* 30. *ſec.* 39.

The like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

BANK OF ENGLAND.

No member of the land bank ſhall, in reſpect of his ſtock therein only, be adjudged liable to be a bankrupt. 7 *and* 8 *W.* 3. *cap.* 31.

Like clauſe for the Bank of England, in the act of 8 *and* 9 *W.* 3. *cap.* 19.

Like clauſe in the act of 5 *Anne*, *cap.* 13.

Like clauſe in the act of 7 *Anne*, *cap.* 7.

Like clauſe in the act of 3 *Geo.* 1. *cap.* 8.

BANKRUPTS.

Deſcribed by 13 *Eliz.* *cap.* 7.

By 1 *Jac.* *cap.* 15.

Further deſcribed by 21 *Jac.* 1. *cap* 19.

Bankrupt to be deemed out of the King's protection, if he does not ſurrender himſelf within three months after the proclamation. 34 *and* 35 *Hen.* 8. *cap.* 4.

Like clauſe in the act of 13 *Eliz.* *cap.* 7.

To be apprehended upon non-compliance with the proclamation: and impriſoned upon refuſing to be examined by the commiſſioners. 1 *Jac.* 1. *cap.* 13.

Bankrupts

Bankrupt convicted of perjury, to ſtand in the pillory, and have one of his ears cut off. 1 *Jac.* 1. *cap.* 15.

His wife to be examined by the commiſſioners, and liable to the ſame penalties as other perſons for refuſing to obey their orders. 21 *Jac.* 1. *cap.* 19.

A bankrupt convicted of endeavouring to defraud his creditors, by concealing or embezzling his effects, and refuſing to ſurrender them to the commiſſioners, or not rendering ſome probable reaſon why he became a bankrupt, to ſtand in the pillory, &c. 21 *Jac.* 1. *cap.* 15.

Not ſurrendering within forty-two days after notice given in the London Gazette, and ſubmitting to be examined, to be declared guilty of felony, and ſuffer as ſuch without benefit of clergy. 5 *Geo.* 2. *cap.* 30. *ſec.* 1.

To deliver up to the aſſignees all their books of accounts, writings, &c. not before delivered to the commiſſioners. *Sec.* 4.

Not in priſon, or cuſtody, to attend aſsignees, to aſſiſt them in making out the accounts of their eſtate and effects. *Sec.* 4.

Have liberty to inſpect their books and accounts, in preſence of one or more of the aſsignees, and make extracts from thence, in order to their making a full and true diſcovery of their effects; and to be free from all arreſts of reſtraint during the time of their examination, if not in cuſtody at the time of their ſurrender. *Sec.* 5.

If in cuſtody at the time of iſſuing the commiſsion, and can be brought before the commiſsioners to be examined, the expence ſhall be paid by the aſsignees; but if under execution, the commiſsioners are to attend them in priſon. *Sec.* 6.

Like

Like clauſe in the act of 4 *and* 5 *Anne, cap.* 27.
Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

Diſcharged by this act, to be freed from arreſts or proſecutions for any debts due at the time of his becoming a bankrupt. And if arreſted or impleaded, may plead in general that the cauſe of ſuch action did accrue before he became a bankrupt, and may give this act and the ſpecial matter in evidence, and ſhall recover his coſts, &c. Nevertheleſs his future effects ſtill liable. 5 *Geo.* 2. *cap.* 30. *ſec.* 9.

No bankrupt whatſoever ſhall receive any benefit by this act, who, within a year before his becoming a bankrupt, has loſt the ſum of 100l. by contracts for the ſale or purchaſe of any ſtock of any company or corporation, or any ſhares of government or public funds, if the contract was not to be performed within one week after the making ſuch contract, or where the ſtock ſo bought or ſold was not actually transferred in purſuance of ſuch contract. *Sec.* 12.

If a bankrupt apprehended within the time limited, ſubmits to be examined, and conforms in all reſpects to the directions of this act, he ſhall receive the ſame benefit thereby, as though he had voluntarily ſurrendered. *Sec.* 15.

The bankrupt is required, after allowance of his certificate, to attend the aſſignees, in order to ſettle accounts; and if he refuſes to attend or aſſiſt as aforeſaid, (without good and ſufficient cauſe ſhewn for ſuch neglect or refuſal) he is to be committed to gaol without bail, &c. *Sec.* 36.
Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

Allowed 2s. 6d. *per diem* for ſuch attendance. 5 *Geo.* 2. *cap.* 30. *ſec.* 36.

BILLS,

BILLS, BONDS, PROMISSORY NOTES, &c.

Perſons who have ſold goods upon credit, and taken bills, bonds, promiſſory notes, or other perſonal ſecurities for their money, payable on future days of payment, if commiſsions of bankruptcy be awarded againſt the buyers of ſuch goods, before the money due on ſuch bills, &c. is become payable, the perſons ſo giving credit upon a good and valuable conſideration for money or other thing whatſoever, which ſhall not be due before the time of the buyer's becoming a bankrupt, ſhall be admitted to prove their bills, &c. in like manner as if they had been made payable preſently; and ſhall be intitled to a proportionable ſhare and dividend of ſuch bankrupt's eſtate, in proportion to the other creditors, deducting only a rebate of intereſt, and diſcounting ſuch ſecurities after the rate of 5l. *per cent. per annum*, for what he ſhall ſo receive, to be computed from the payment thereof, to the time ſuch debt would have become payable by ſuch ſecurities. 7 *Geo.* 1. *cap.* 31.

Every bankrupt ſhall be diſcharged from ſuch bond, note, or other ſecurity, and have the benefit of the ſeveral ſtatutes againſt bankrupts in like manner as if ſuch money had been due before the time of his becoming bankrupt. *Same act.*

So much of the act of 7 *Geo.* 1. *cap.* 31. as diſables any perſon poſſeſſed of ſuch bonds, bills, promiſſory notes, &c. from petitioning for, or joining in any petition for a commiſsion of bankruptcy, is by this act repealed, and it ſhall and may be lawful for any ſuch perſon to petition for, or join in petitioning for any ſuch commiſsion; any thing in the ſaid act contained to the contrary notwithſtanding. 5 *Geo.* 2. *cap.* 30. *ſec.* 22.

The creditors petitioning for a commiſſion, ſhall give bond to the Lord Chancellor in the penalty of 200l. conditioned for proving their debts, &c. *Sec.* 23.

CERTI-

CERTIFICATE.

No bankrupt ſhall be intitled to the benefit of this act, unleſs the commiſſioners ſhall certify to the Lord Chancellor, that he hath made a full diſcovery of his effects, and in all things conformed himſelf to the directions of this act; and that there does not appear to them any reaſon to doubt of the truth of ſuch diſcovery, or that it is not a full diſcovery of all the bankrupt's eſtate and effects; and unleſs four parts in five, in number and value of the creditors, ſhall ſign the certificate, and teſtify their conſent to ſuch allowance and certificate, and to the bankrupt's diſcharge; to be alſo certified by the commiſſioners, who are not to certify till they have proof by affidavit, or affirmation in writing, of the creditors ſigning ſuch certificate, and the power by which any perſon ſhall be authorized to ſign for them, which ſhall be laid before the Lord Chancellor, &c. with the certificate, in order to the allowing and confirming the ſame; and unleſs the bankrupt make oath, or affirmation, that ſuch certificate and conſent were obtained fairly, and without fraud; and unleſs ſuch certificate, after ſuch oath or affirmation, be allowed by the Lord Chancellor, or by two of the judges of the courts at Weſtminſter, to whom the conſideration thereof ſhall be referred by the Lord Chancellor: And the creditors ſhall, if they think fit, be heard againſt the making ſuch certificate, and the confirmation thereof, 5 *Geo.* 2. *cap.* 30, *ſec.* 10.

Like clauſe in the act of 4 *and* 5 *Anne*, *cap.* 17.

Like clauſe in the act of 5 *Anne*, *cap.* 27.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

Every bond, bill, or other ſecurity, given by any bankrupt to the uſe of any creditor, as a conſideration to perſuade him to ſign ſuch allowance or certificate, ſhall be void. 5 *Geo.* 2. *cap.* 30. *ſec.* 11.

Like clauſe in the act of 5 *Anne*, *cap.* 13.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

A certificate ſigned by a fictitious creditor, is void; unleſs the bankrupt diſcovers the fraud. 24 *Geo.* 2. *cap.* 57. *ſec.* 9.

LORD CHANCELLOR, &c.

May enlarge the time for bankrupt's ſurrendering. 5 *Geo.* 2. *cap.* 30. *ſec.* 5.

Like clauſe in the act of 4 *and* 5 *Anne*, *cap.* 17.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

The Lord Chancellor may vacate the firſt aſſignment of the bankrupt's eſtate, &c. upon petition of any creditors; or make ſuch order therein as he ſhall think reaſonable. 5 *Geo.* 2. *cap.* 30. *ſec.* 31.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

COMMISSION,

Of bankrupts to be ſued out within five years after the perſon becomes a bankrupt. 21 *Jac.* 1. *cap.* 19.

No commiſſion of bankrupt ſhall be awarded againſt any perſon upon the petition of one or more creditors, unleſs the ſingle debt of the petitioner do amount to 100l. or upwards; or the debt of two creditors to 150l. or upwards; or the debt of three or more creditors to 200l. or upwards; and the petitioning creditor ſhall, before the ſame be granted, give bond to the Lord Chancellor, in the penalty of 200l. conditioned for proving their debts, and the party a bankrupt at the time of taking out the commiſſion; and the petitioners ſhall make oath, or (being Quakers) ſolemn affirmation in writing, before a Maſter in Chancery, of the truth and reality of their debts, which affidavit ſhall be filed by

by the proper officer; and if ſuch debts ſhall not appear to be due, or the party ſhall not be proved a bankrupt, but that ſuch commiſſion was taken out fraudulently or maliciouſly, the Lord Chancellor, on the petition of the party grieved, may order ſatisfaction to be made for the damages by him ſuſtained; and for the better recovery thereof, may aſſign the bond to the party petitioning, who may ſue the ſame in his own name. 5 *Geo.* 2. *cap.* 30. *ſec.* 23.

Like clauſe (the oath, or affirmation, of the petitioning creditors excepted) in the act of 5 *Anne*, *cap.* 13.

Like clauſe (except as before excepted) in the act of 5 *Geo.* 1. *cap.* 24.

If any bankrupt, after a commiſſion is iſſued out againſt him, ſhall pay to the perſon who ſued out the ſame, or deliver any goods, or give other ſatisfaction for his debt, whereby ſuch perſon ſhall privately have more in the pound than the other creditors, ſuch payment &c. ſhall be deemed an act of bankruptcy, whereby ſuch commiſſion ſhall be ſuperſeded; and the Lord Chancellor may award to any creditors petitioning for a new commiſſion. And the perſons taking ſuch goods, or other ſatisfaction, ſhall pay back and deliver up the ſame, or the full value, to ſuch perſons as the commiſſioners acting under ſuch new commiſſion ſhall appoint, in truſt for the other of the bankrupt's creditors. 5 *Geo.* 2. *cap.* 30. *ſec.* 24.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

The charge of iſſuing commiſſions to be paid by the aſſignees. 5 *Geo.* 2. *cap.* 30. *ſec.* 25.

COMMISSIONERS

To be choſen by the Lord Chancellor, have authority to impriſon the body of the bankrupt, and alſo to

cauſe his lands, goods, &c. to be viewed, appraiſed, and ſold for the uſe of his creditors. 13 *Eliz. cap.* 7.

The commiſſioners are to appoint three ſeveral meetings within the time limited for the bankrupt to ſurrender himſelf, the laſt of which ſhall be on the forty-ſecond day, by this act limited, for the bankrupt's appearance. 5 *Geo.* 2. *cap.* 30. *Sec.* 2.

Are to attend bankrupts (if under execution) in priſon. *Sec.* 6.

Have power to examine bankrupts, as well by word of mouth as by interrogatories in writing, and alſo every other perſon ſummoned before them, touching the trade and effects of ſuch bankrupts; and may commit them to priſon upon non-compliance. *Sec.* 16.

Like clauſe in the act of 1 *Jac.* 1. *cap.* 15.

Like clauſe in the act of 4 and 5 *Anne, cap.* 17.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

To give notice in the London Gazette when a perſon is declared a bankrupt, and appoint a time and place for the creditors to meet and prove their debts, chooſe aſſignees, &c. 5 *Geo.* 2. *cap.* 30. *ſec.* 26.

May appoint aſſignees, who may be diſplaced at the meeting of the creditors. *Sec.* 30.

To give notice in the London Gazette of the removal of the former aſſignees, and the appointment of new ones. *Sec.* 31.

May ſend their warrant to any gaoler to deliver up the body of a bankrupt, in his cuſtody, to the perſons named in ſuch warrant; and alſo to ſeize any goods or effects of the bankrupt which ſhall be then in his cuſtody, or in the cuſtody of any other perſon, or in any priſon whatſoever. *Sec.* 14.

Like

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

Commiſſioners are impowered to adminiſter an oath, or ſolemn affirmation, to any perſon authorized by letter of attorney from any creditor, touching the due execution thereof; and are to permit ſuch perſon ſo authorized to vote in the choice of aſſignees. 5 *Geo.* 2. *cap.* 30. *ſec.* 26.

Like clauſe in the act of *Geo.* 1. *cap.* 24.

To aſſign the bankrupt's eſtate to the aſſignees, choſen by the majority in value of the creditors. 5 *Geo.* 2. *cap.* 30. *ſec.* 26.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

To any action brought againſt them, for any thing done in purſuance of this act, may plead the general iſſue, and give this act, and the ſpecial matter, in evidence. 1 *Jac.* 1. *cap.* 13.

The like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

May proceed in execution upon the bankrupt's effects, notwithſtanding the death of the bankrupt. 1 *Jac.* 1. *cap.* 19.

May break open the houſe of a perſon declared a bankrupt. 21 *Jac.* 1. *cap.* 19.

Have power to ſend for and examine upon oath, or otherwiſe, any perſons ſuſpected of concealing any of the bankrupt's effects; or of being indebted to him. 13 *Eliz.* *cap.* 7.

Like clauſe in the act of 34 and 35 *Hen.* 8. *cap.* 4.

Not allowed money for eating, drinking, &c. out of the bankrupt's effects, or take above the ſum of 20*s.* for each meeting. Any commiſſioner offending againſt this clauſe to be diſabled from ever after acting as a commiſſioner. 5 *Geo.* 2. *cap.* 30. *ſec.* 42.

No

No commiſſioner capable of acting as ſuch till ſworn. *Sec.* 43.

CONCEALERS OF BANKRUPT's ESTATE, &c.

Perſons ſuſpected of concealing any of the bankrupt's effects, or of being indebted to him, may be ſent for and examined by the commiſſioners upon oath, or otherwiſe; and if upon examination they refuſe to declare the whole truth, on proof thereof made before the commiſſioners, they are to forfeit double the value of ſuch goods and effects ſo concealed. 34 and 35 *Hen.* 8. *cap.* 4. Like clauſe in the act of 13 *Eliz. cap.* 7.

Refuſing to appear upon commiſſioner's ſummons, or to anſwer to interrogatories, to be committed to priſon without bail, &c. till they ſubmit. 1 *Jac.* 1. *cap.* 15.

Convicted of perjury, to incur and ſuffer the pains and penalties impoſed by the ſtatute of 5 *Eliz.* made concerning perjury. 1 *Jac.* 1. *cap.* 15.

Every perſon who has accepted of any truſt, and ſhall conceal any eſtate, real or perſonal, of any perſon becoming bankrupt, and ſhall not, within forty-two days after iſſuing of the commiſſion, and notice thereof, diſcover ſuch truſt and eſtate in writing to one or more of the commiſſioners, and ſubmit to be examined by them, and truly diſcover the ſame, ſhall forfeit 100l. and double the value of the eſtate concealed, for the uſe of the creditors; to be recovered by an action of debt in the name of the aſſignees; and coſt ſhall be allowed to either party, as in other caſes. 5 *Geo.* 2. *cap.* 30. *ſec.* 21.

CREDI-

CREDITORS

Claiming more than is juſtly due to them, to forfeit double the ſum demanded. 34 and 35 *Hen.* 8. *cap.* 4.

May be heard againſt making and confirming the bankrupt's certificate. 5 *Geo.* 2. *cap.* 30. *ſec.* 10.

Creditors petitioning for a commiſſion, to give bond to the Lord Chancellor, conditioned to prove their debts and the party a bankrupt. *Sec.* 23.

Petitioning creditors to be reimburſed their expences of ſuing out commiſſions, by the aſſignees. *Sec.* 25.

No creditor to vote in the choice of aſſignees, whoſe debt amounts not to 10l. *Sec.* 27.

The creditors may appoint where the effects of the bankrupt ſhall be depoſited, till a dividend is made thereof. *Sec.* 32.

DAYS. TIMES.

The bankrupt is allowed forty-two days to appear in. *Sec.* 1.

The Lord Chancellor may enlarge the time for the bankrupt's ſurrendering, not exceeding fifty days, to be computed from the end of the ſaid forty-two days; ſo as ſuch order be made at leaſt ſix days before the time on which ſuch perſon was to ſurrender. *Sec.* 3.

Perſons who ſhall, within ſixty days next after the time allowed a bankrupt to ſurrender, &c. voluntarily make diſcovery of any part of the bankrupt's eſtate, ſhall be allowed 3l. per cent. &c. 4 and 5 *Anne*, *cap.* 17.

Like

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

Like clauſe in the act of 5 *Geo.* 2. with the allowance of 5l. per cent. and no time limited. *Sec.* 20.

Bankrupt, after his certificate confirmed, ſhall on fourteen days notice attend the aſſignees, &c. and ſhall be allowed 2s. 6d. *per diem* for ſuch attendance. 5 *Geo.* 1. *cap.* 24.

Like clauſe in the act of 5 *Geo.* 2. but no time limited for notice. *Sec.* 36.

The aſſignees appointed by the commiſſioners ſhall, within ten days after notice, deliver up to the aſſignees choſen by the creditors, all the effects of the bankrupt that ſhall be come to their hands. 5 *Geo.* 2. *cap.* 30. *ſec.* 30.

DEBTS.

Creditors receiving debts or goods of bankrupts without notice, and in the courſe of trade, not obliged to refund, &c. 19 *Geo.* 2. *cap.* 32.

Where there are mutual debts between the bankrupt and any other perſons, contracted at any time before the perſon became a bankrupt, the commiſſioners ſhall ſtate the account between them, and one debt may be ſet againſt the other; and no more ſhall be paid on either ſide than what ſhall appear to be due on the balance of the account. 5 *Geo.* 2. *cap.* 30. *ſec.* 28.

Like clauſe in the act of 4 and 5 *Anne*, *cap.* 17.

Like clauſe in the act of 3 *Geo.* 1. *cap.* 12.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

DISCHARGE.

Any one of the judges of the court, where judgment has been obtained againſt a bankrupt before his certificate

cate was allowed and confirmed, taken in execution, and detained in priſon, may, on ſuch bankrupt's producing his certificate allowed and confirmed, order any ſheriff, bailiff, or other gaoler, having a bankrupt in cuſtody by virtue of ſuch execution, to diſcharge ſuch bankrupt out of cuſtody without fee; and ſuch ſheriff, &c. is to diſcharge him accordingly, and is indemnified from any action for an eſcape in ſo doing. 5 *Geo.* 2. *cap.* 30. *ſec.* 13.

Like clauſe in the act of 6 *Geo.* 1. *cap.* 22.

EQUITY.

No ſuit in equity ſhall be commenced without the conſent of the major part in value of the creditors. 5 *Geo.* 2. *cap.* 30. *ſec.* 38.

ESTATE, EFFECTS, &c.

Any eſtate or effects that ſhall deſcend, or by any means come to a bankrupt, before his debts are fully ſatisfied and paid, or otherwiſe agreed for, ſhall be expended and diſpoſed of for the payment of the ſaid debts.

Any lands aſſured by a bankrupt before he became a bankrupt, ſhall not be affected by this act, provided ſuch aſſurance be made *bona fide*, and not to the uſe of the bankrupt or his heirs; and provided the parties to whom ſuch aſſurance was made, be not privy to any fraudulent purpoſe of the bankrupt to deceive his creditors. 13 *Eliz. cap.* 7.

Any eſtate or effects in the poſſeſſion of a bankrupt, whereof he is the reputed owner at the time of his becoming a bankrupt (although before aſſigned to other

perſons upon good conſideration) ſhall be ſold for the uſe of the creditors.

Any eſtate or lands in remainder, or reverſion, belonging to a bankrupt, (except where the reverſion is in the King, &c.) to be diſpoſed of for the benefit of his creditors.

Conditional eſtates granted or conveyed by a bankrupt, may be redeemed by the commiſſioners before the time of the performance of ſuch conditions, and ſold for the uſes aforeſaid. 21 *Jac.* 1. *cap.* 19.

All the eſtate and effects of a bankrupt condemned as a felon, ſhall be divided amongſt the creditors ſeeking relief under a commiſſion of bankruptcy. 5 *Geo.* 2. *cap.* 30. *ſec.* 1.

Like clauſe in the act of 4 and 5 *Anne*, *cap.* 24.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

No perſons diſcharged upon a ſecond bankruptcy, after the 24th of June, 1732, ſhall be liable to arreſt or impriſonment; but the future eſtate and effects of ſuch perſons ſhall remain liable to their creditors as before, (the tools of trade, neceſſary houſehold goods, and wearing apparel excepted) unleſs the eſtate of ſuch perſons, when under a commiſſion of bankruptcy, was ſufficient to pay their creditors 15s. in the pound. 5 *Geo.* 2. *cap.* 30. *ſec.* 9.

EXCHEQUER BILLS.

No governor, ſub-governor, deputy-governor, or director of the South Sea Company, or any of the truſtees, or other perſons whatſoever, who ſhall be entruſted, or any ways concerned in the circulation or exchanging of exchequer bills, purſuant to this act, ſhall, for that cauſe only, be adjudged to be a bankrupt, within the meaning

meaning of any ſtatute made againſt or concerning bankrupts. 6 *Geo.* 1. *cap.* 4.

No contractor for circulating the Exchequer bills, to be made forth in purſuance of this act, ſhall, for that cauſe only, be adjudged liable to be a bankrupt. 2 *Geo.* 1, *cap.* 20.

Like clauſe in the act of 9 *Geo.* 1. *cap.* 18.

Like clauſe in the act of 11 *Geo.* 1. *cap.* 17.

Like clauſe in the act of 12 *Geo.* 1. *cap.* 4.

FARMER, GRAZIER, &c.

No farmer, grazier, drover of cattle, or re general of taxes granted by parliament, ſhall be entitled as ſuch to the benefits of this act, or be deemed a bankrupt within this, or any of the ſtatutes concerning bankrupts. 5 *Geo.* 2. *cap.* 30. *ſec.* 40.

Like clauſe in the act of 5 *Anne*, *cap.* 15.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

FELONY.

If any perſon, who ſince the 14th day of May, 1 became, or hereafter ſhall become bankrupt, and againſt whom a commiſſion hath, or hereafter ſhall iſſue, whereon he ſhall be declared a bankrupt, ſhall not, within forty-two days after notice thereof in writing, left at his place of abode, and notice in the London Gazette, of the time and place of a meeting of the commiſſioners, ſurrender himſelf to them, and ſubmit to be examined on oath, or (if a Quaker) upon his ſolemn affirmation, and conform himſelf to the ſeveral ſtatutes concerning bankrupts, and upon ſuch examination diſcover how, and upon what conſideration he hath diſpoſed any of his goods or eſtate, and all books, papers, and

writings relative thereto, of which he, or any perſon in truſt for him, was poſſeſſed at the iſſuing out of the commiſſion, and deliver up to the commiſſioners all ſuch his goods, eſtate, &c. books, &c. as, at his examination, ſhall be in his poſſeſſion (his and his wife's, and children's neceſſary wearing apparel only excepted) ſuch bankrupt, in caſe of wilful omiſſion of any of the premiſes, or in caſe he ſhall remove, conceal, or embezzle any part of his eſtate, real or perſonal, to the value of 20l. or any books or writings relating thereto, with an intent to defraud his creditors, and being lawfully convicted, ſhall be deemed and adjuged guilty of felony, and ſuffer as a felon without benefit of clergy. 5 *Geo.* 2, *cap.* 30. *ſec.* 1.

FORFEITURES.

The perſon of a bankrupt not liable to arreſt; and if any officer detains him, he ſhall forfeit to him 5l. *per diem.* 5 *Geo.* 2. *cap.* 30. *ſec.* 5.

Gaoler ſuffering a bankrupt, or other perſon committed by the commiſſioners, to eſcape, or go without the walls of the priſon, forfeits 500l. to the uſe of the creditors. *Sec.* 19.

Gaoler refuſing, on requeſt of a creditor, to produce and ſhew to him a bankrupt, or ſuch other perſon in his cuſtody, forfeits 100l. for the uſe of the creditors, *Sec.* 19.

The aſſignees choſen by the commiſſioners, refuſing to deliver and aſſign to the aſſignees choſen afterwards by the creditors, all the eſtate and effects of the bankrupt which ſhall come to their hands, every ſuch aſſignee ſhall forfeit 200l. for the uſe of the creditors, *Sec.* 31.

The

The like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

Any creditor privately receiving of a bankrupt, any goods or ſecurity whereby he ſhall have more in the pound than the other creditors, in conſideration of ſuing out a commiſſion, ſhall forfeit the whole. 5 *Geo.* 2, *cap.* 30. *ſec.* 24.

GAMING.

Nothing in this act ſhall extend to grant any privilege to a bankrupt who has loſt in one day the value of 5l. or in the whole the value of 100l. within twelve months next preceding his becoming a bankrupt, in playing at cards, dice, tables, tennis, bowls, ſhovel-board; or by cock-fighting, horſe-races, or any other paſtime or game whatſoever; or by bearing a part in the ſtakes or wagers; or by betting on the ſides of ſuch as do play, act, ride, or run; or by contracts for ſtock, &c. 5 *Geo.* 2. *cap.* 30. *ſec.* 12.

Like clauſe in the act of 5 *Anne*, *cap.* 17.
Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

IMPRISONMENT.

Upon certificate under the hands and ſeals of the commiſſioners, that a perſon is proved a bankrupt, the judges of the courts of Weſtminſter, and all juſtices of the peace, are to grant their warrant for apprehending ſuch perſon, and to commit him to the gaol of the county where taken, there to remain, till releaſed by the order of the commiſſioners by warrant under their hands and ſeals. The gaoler is required to receive ſuch perſon into his cuſtody, and forthwith to give notice thereof to one of the commiſſioners, who are to ſend their warrant for the delivery of ſuch bankrupt to the perſons authorized

rized thereby, to convey him to them to be examined. 5 *Geo.* 2. *cap.* 30. *ſec.* 14.

A like clauſe in the act of 1 *Jac.* 1. *cap.* 15.

Perſons ſummoned to appear before the commiſſioners to be examined as witneſſes, and refuſing to appear; or appearing, refuſe to be ſworn (or if Quakers) to take the affirmation; or being ſworn, &c. refuſe to anſwer, the commiſſioners may commit ſuch perſons to priſon without bail or mainprize, till they ſubmit to anſwer upon oath, &c. 5 *Geo.* 2. *cap.* 30. *ſec.* 16.

If a bankrupt after his certificate ſigned and confirmed, ſhall, on reaſonable notice given him, neglect or refuſe to attend the aſſignees in order to ſettle accounts between him and his creditors, or to attend any court of record to be examined touching the ſame; on proof thereof made by the aſſignees before the commiſſioners, the laſt are to iſſue their warrant for apprehending ſuch bankrupt; and commit him to the county gaol without bail or mainprize, till he ſubmits to be examined, and duly conform to the ſatisfaction of the ſaid commiſſioners, and be by them, or by ſpecial order of the Lord Chancellor, or otherwiſe by due courſe of law diſcharged; and the gaoler ſhall keep ſuch bankrupt in cloſe cuſtody within the walls of the priſon till diſcharged, under the pains and penalties before mentioned for ſuch gaoler's ſuffering ſuch priſoner to eſcape and go at large. *Sec.* 36.

Every perſon that ſhall willingly help to embezzel, or convey away any of the bankrupt's goods, knowing him to be a bankrupt, ſhall ſuffer ſuch penalties by imprisonment, as the Lord Chancellor ſhall think fit. 34 *and* 35 *Hen.* 8. *cap.* 4.

Every perſon that ſhall wittingly conceal or receive a bankrupt after he is demanded by proclamation, ſhall ſuffer

ſuffer ſuch penalties by impriſonment as the Lord Chancellor, &c. ſhall think fit. 13 *Eliz. cap.* 7.

If a bankrupt refuſe to be examined, or to anſwer fully to the interrogatories of the commiſsioners, they may commit him to priſon there to remain till he conforms himſelf. 1 *Jac.* 1. *cap.* 15.

If a bankrupt or other perſon committed to priſon by the commiſsioners, be removed by habeas corpus, the gaoler of the priſon to which he ſhall be committed, ſhall keep ſuch priſoner within the walls of the priſon till diſcharged. 5 *Geo.* 1. *cap.* 24.

If any perſon be impriſoned by the commiſsioners for refuſing to anſwer, &c. the commiſsioners are in their warrant of commitment particularly to ſpecify the queſtion or queſtions. 5 *Geo.* 2. *cap.* 30. *ſec.* 17.

If a habeas corpus be brought upon ſuch commitment, the judge may re-commit the priſoner. *Sec.* 18.

MARRIAGE CONTRACT.

This act ſhall give no benefit or advantage to any bankrupt, who on marriage of any of his children, hath given above the value of 100l. unleſs he can prove by his books, fairly kept, or otherwiſe upon oath, that he had at the time thereof, over and above the value given, in goods, wares, &c. or other eſtate, real or perſonal, ſufficient to ſatisfy his creditors their full debts. 5 *Geo.* 2. *cap.* 30. *ſec.* 12.

Like clauſe in the act of 4 *and* 5 *Anne, cap.* 17.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

MASTERS

MASTERS IN CHANCERY.

Impowered to adminiſter oath to the bankrupt. 5 *Geo.* 2. *cap* 30. *ſec.* 4.

To the petitioners for a commiſſion of bankruptcy. *Sec.* 23.

To perſons acting by letter of attorney from any creditor. *Sec.* 26.

To ſettle bills of fees. *Sec.* 44.

OATH.

Bankrupt's wife to be examined upon oath. 21 *Jac.* 1. *cap.* 19.

Bankrupt ſhall ſubmit to be examined upon oath. 5 *Geo.* 2. *cap.* 30.

The firſt part of this clauſe in the act of 1 *Jac.* 1. *cap.* 15.

The firſt part of this clauſe in 4 & 5 *Anne*, *cap.* 17.

The commiſſioners may examine witneſſes on their oaths. 5 *Geo.* 2. *cap.* 30. *ſec.* 16.

Bankrupts to make oath, that the certificate of his having conformed, &c. was obtained fairly and without fraud. *Sec.* 10.

The aſſignees ſhall make proof upon oath before the commiſsioners, of the bankrupt's refuſing to attend them in order to ſettle accounts. *Sec.* 36.

The commiſsioners ſhall admit the proof of any creditor's debt, who lives remote from the place of their meeting, by affidavit. *Sec.* 26.

Proof

Proof muſt be made upon oath (either before a maſter in chancery, or before the commiſsioners, viva voce) of the due execution of a letter of attorney from any creditor, to authorize another perſon to vote for him in the choice of aſsignees. *Sec.* 45.

No commiſsioner capable of acting till ſworn. *Sec.* 43.

The form of the oath.

Which oath any two of the commiſsioners may adminiſter to the others in the ſame commiſsion named; and they are to keep a memorial thereof, ſigned by themſelves, among the depoſitions, and other proceedings on each commiſsion.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

Books of accounts to be delivered to the aſsignees upon oath. 5 *Geo.* 2. *cap.* 30. *ſec.* 4.

Creditors petitioning for a commiſsion, ſhall make oath or affirmation, in writing, of the truth and reality of their debts. *ſec.* 23.

Aſsignees to deliver in their accounts of the bankrupt's eſtate upon oath, if required. *Sec.* 33.

PARTNERS.

The diſcharge of a bankrupt by virtue of any act relating to bankrupts, ſhall not diſcharge any perſon who was his partner in trade at the time he became bankrupt; or who ſtood jointly bound, or had made any joint contract with him for the ſame debt from which he was diſcharged; but notwithſtanding ſuch diſcharge, ſuch partner ſhall ſtand liable. 10 *Anne*, *cap.* 13.

RECORD.

On the petition of any perſon, the Lord Chancellor may order the commiſsion, the depoſitions proving the bankruptcy, the proceedings thereupon, the certificates, and other matters, to be entered of record; and in caſe of the death of witneſſes, or if the commiſsion, &c. be loſt or miſlaid, a true copy of the record may be given in evidence; and be a full and effectual bar and diſcharge of any action brought by any creditor of a bankrupt for any debt or demand due before the iſſuing of the commiſsion, unleſs the creditor can prove that ſuch certificate was fraudulently obtained. 5 *Geo.* 2. *cap.* 30. *ſec.* 41.

Like clauſe in the act of 5 *Geo.* 1. *cap.* 24.

SECURITIES

Of any kind given to a creditor, to induce him to ſign the certificate, ſhall be void. 5 *Geo.* 2. *cap.* 30. *ſec.* 11.

SEIZURE.

The commiſsioners may by warrant ſeize the goods, wares, merchandizes, and effects of a bankrupt (his neceſſary wearing apparel, and that of his wife and children only excepted) and all his books, papers, and writings, in his own, or any other's cuſtody, or in any priſon whatſoever. 5 *Geo.* 2. *cap.* 30. *ſec.* 14.

See the act of 34 and 35 *Hen.* 8. *cap.* 4.

See the act of 13 *Eliz. cap.* 7.

See the act of 1 *Jac.* 1. *cap.* 15.

Like clauſe in 21 *Jac.* 1. *cap.* 19.

Like clauſe in 4 & 5 *Anne*, *cap.* 17.

Like clauſe in 5 *Geo.* 1. *cap.* 24.

VOID.

Every bond, bill, note, contract, agreement, or other ſecurity given by a bankrupt for the uſe of any creditor, or for the payment of any debt due from ſuch bankrupt at the time of his becoming bankrupt, between that time and his diſcharge, as a conſideration, or with intent to perſuade ſuch creditor to ſign his allowance or certificate, ſhall be void, and the money agreed to be paid, ſhall not be recoverable; and the perſon ſued on ſuch bond, &c. may plead the general iſſue, &c. 5 *Geo.* 2. *cap.* 30. *ſec.* 11.

Like clauſe in 5 *Anne*, *cap.* 22.

Like clauſe in 5 *Geo.* 1. *cap.* 24.

WITNESS.

Allowed coſts. 1 *Jac.* 1. *cap.* 15.

Convicted of wilful perjury to ſuffer ſuch penalties as are limited by the ſtatute of 5 *Eliz. cap.* 9.

The commiſsioners may ſend for and call before them by warrant, ſummons, or otherwiſe, as they ſhall think fit, ſuch perſons as they are informed or believe can give information of any act of bankruptcy committed by any perſon againſt whom a commiſsion is iſſued, and examine them on their oaths, or otherwiſe; and if any perſon, upon payment or tender of reaſonable charges, ſhall neglect, or refuſe to appear; or being come, ſhall refuſe to be ſworn, or (being a Quaker) to take the ſolemn affirmation; or being ſworn, or having taken ſuch affirmation, ſhall refuſe to anſwer; the commiſsioners may by warrant commit ſuch offender to priſon, there to remain without bail or mainprize till he ſubmit to anſwer. 5 *Geo.* 1. *cap.* 30. *ſec.* 16

Like clauſe in 4 *and* 5 *Anne*, *cap.* 17.

Like clauſe in 5 *Geo.* 1. *cap.* 24.

Witneſs

Witneſs to ſign their examination taken before the commiſsioners. 5 *Geo.* 2. *cap.* 30. *ſec.* 16.

If a witneſs committed by a warrant from the commiſſioners, bring a habeas corpus to be diſcharged from ſuch commitment, the judge, before whom the party ſhall be brought, may remand him back to priſon, unleſs it be made appear, that the party ſo committed, has anſwered all lawful queſtions of the commiſsioners, or has a good and ſufficient reaſon for not ſigning his examination. 5 *Geo.* 2. *cap.* 30. *ſec.* 18.

MVSEVM
BRITAN
NICVM

FINIS.